

# **U.S. Sentencing Commission Preliminary Quarterly Data Report**



**1<sup>st</sup> Quarter Release  
Preliminary Fiscal Year 2012 Data  
Through December 31, 2011**

## Introduction

As part of its ongoing mission, the United States Sentencing Commission provides Congress, the judiciary, the executive branch, and the general public with data extracted and analyzed from sentencing documents submitted by courts to the Commission.<sup>1</sup> Data is reported on an annual basis in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*.<sup>2</sup> After the Supreme Court's decision in *United States v. Booker* on January 12, 2005, which rendered the sentencing guidelines advisory instead of mandatory, many people expressed an interest in knowing what changes, if any, in federal sentencing practices would result. The Commission responded by reconfiguring its data collection, analysis, and reporting efforts to provide real-time data reporting from the submitted documents.

The Commission first reported data on February 10, 2005 to Congress<sup>3</sup> and began reporting data approximately monthly shortly thereafter. The types of data reported increased over time to accommodate various requests for the additional information. In March 2006, the Commission released a comprehensive report, *Final Report on the Impact of United States v. Booker on Federal Sentencing*,<sup>4</sup> based on cases sentenced one year since the *Booker* decision. Because the report included additional analyses that had not been included in the monthly reports, not all the data presented in the report was comparable with the monthly releases, which made comparing data over time difficult.

In an effort to standardize the Commission's post-*Booker* analyses and to facilitate the identification of emerging trends going forward, the Commission began generating a new set of tables and charts on a quarterly basis for public release on the Commission's website beginning with the third quarter of fiscal year 2006. These quarterly data reports are similar in format and methodology to tables and figures produced in the *Sourcebook* or in the Commission's *Booker* report. Some of the figures include data from fiscal years before the *Booker* decision to facilitate analysis of sentencing trends over time. Other figures and all of the tables contain cumulative data (*i.e.*, data from the start of the fiscal year through the most current quarter). Appendix B cross-references the quarterly table numbers and figure letters as well as the corresponding number or letter in the *Sourcebook* (if it exists in the *Sourcebook*) so that the quarterly data can

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<sup>1</sup> In each felony or Class A misdemeanor case sentenced in federal court, sentencing courts are required to submit the following documents to the Commission: the Judgment and Commitment Order, the Statement of Reasons, the plea agreement (if applicable), the indictment or other charging document, and the presentence report. See 28 U.S.C. § 994(w).

<sup>2</sup> Electronic copies of the 1995-2011 *Annual Report* and *Sourcebook of Federal Sentencing Statistics* are available at the Commission's website, [www.ussc.gov](http://www.ussc.gov).

<sup>3</sup> See [www.ussc.gov/bf.htm](http://www.ussc.gov/bf.htm) for an electronic copy of the prepared testimony of Ricardo H. Hinojosa, chair of the United States Sentencing Commission, before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives, February 10, 2005.

<sup>4</sup> See [www.ussc.gov/bf.htm](http://www.ussc.gov/bf.htm) for an electronic copy of the Commission's *Final Report on the Impact of United States v. Booker on Federal Sentencing*.

be compared easily with data from prior fiscal years.<sup>5</sup> In Appendix A are descriptions of datafile and variable definitions.

Users of the quarterly releases are cautioned that the quarterly data are preliminary only and subject to change as the Commission collects, analyzes, and reports on additional cases throughout the fiscal year. When data for each new quarter is made available, the Commission will update the previous preliminary quarterly totals in the most recent release until the release of the final fiscal year data in the Commission's *Sourcebook*. For example, the data reported in the initial release for the second quarter of the fiscal year may change as the Commission receives and analyzes documents during the remaining quarters for additional cases sentenced during the second quarter.<sup>6</sup> Any subsequent changes in the quarterly data for the second quarter would be reflected initially in the subsequent quarterly releases and finally in the Commission's *Annual Report* and *Sourcebook of Federal Sentencing Statistics*. As a result, **quarterly data should not be considered final until publication of the Commission's *Annual Report* and *Sourcebook*.**

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<sup>5</sup> The Commission has tried to maintain the same table numbers and figure letters over the past several years but, due to slight differences in reporting categories between pre- and post-*Booker* time periods, the numbers and letters may not correspond exactly over time. Please refer to the table of contents for each of the prior *Sourcebook* years to determine the corresponding table number or figure letter.

<sup>6</sup> The reasons for data changes in previous quarters is due to one or more of the following reasons: the courts have up to 30 days to submit court documents to the Commission; the Commission both extracts information from the documents and screens cases through the quality control procedures and does not include any case in a data release unless it has been fully entered and reviewed; some documents are sent in later than other documents and the datafiles are then updated with the new information; the Commission receives amended court documents and updates the datafile based on the new information; the Commission matches its datafile to datafiles from the Administrative Office of the United States Courts and requests any case documents not received - a process that can only be completed after the documents have been received and the information entered into the Commission's database. For all of the above reasons, data may be excluded/included or reported differently from one quarter to another.

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**NATIONAL COMPARISON OF SENTENCE IMPOSED AND  
POSITION RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

	N	%
<b>TOTAL CASES</b>	<b>19,534</b>	<b>100.0</b>
<b>CASES SENTENCED WITHIN GUIDELINE RANGE</b>	<b>10,473</b>	<b>53.6</b>
<b>CASES SENTENCED ABOVE GUIDELINE RANGE</b>	<b>381</b>	<b>2.0</b>
<b>DEPARTURE ABOVE GUIDELINE RANGE</b>	<b>119</b>	<b>0.6</b>
Upward Departure From Guideline Range <sup>2</sup>	87	0.4
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	32	0.2
<b>TOTAL CASES</b>	<b>262</b>	<b>1.3</b>
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	230	1.2
All Remaining Cases Above Guideline Range <sup>5</sup>	32	0.2
<b>GOVERNMENT SPONSORED BELOW RANGE<sup>6</sup></b>	<b>5,263</b>	<b>26.9</b>
§5K1.1 Substantial Assistance Departure	2,128	10.9
§5K3.1 Early Disposition Program Departure	2,194	11.2
Other Government Sponsored Below Range	941	4.8
<b>NON-GOVERNMENT SPONSORED BELOW RANGE</b>	<b>3,417</b>	<b>17.5</b>
<b>DEPARTURE BELOW GUIDELINE RANGE</b>	<b>595</b>	<b>3.0</b>
Downward Departure From Guideline Range <sup>2</sup>	413	2.1
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553 <sup>3</sup>	182	0.9
<b>OTHERWISE BELOW GUIDELINE RANGE</b>	<b>2,822</b>	<b>14.4</b>
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553 <sup>4</sup>	2,657	13.6
All Remaining Cases Below Guideline Range <sup>5</sup>	165	0.8

<sup>1</sup> This table reflects the 19,786 cases sentenced on or after October 1, 2011, with court documentation cumulatively received, coded, and edited at the U.S. Sentencing Commission by March 20, 2012. Of these, 252 cases were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> All cases with departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

<sup>3</sup> All cases sentenced outside of the guideline range in which the court indicated both a departure (see footnote 2) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

<sup>4</sup> All cases sentenced outside of the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing outside of the guideline system.

<sup>5</sup> All cases sentenced outside of the guideline range that could not be classified into any of the three previous outside of the range categories. This category includes cases in which no reason was provided for a sentence outside of the guideline range.

<sup>6</sup> Cases in which a reason for the sentence indicated that the prosecution initiated, proposed, or stipulated to a sentence outside of the guideline range, either pursuant to a plea agreement or as part of a non-plea negotiation with the defendant.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**SENTENCES RELATIVE TO THE GUIDELINE RANGE BY CIRCUIT AND DISTRICT<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,534</b>	<b>10,473</b>	<b>53.6</b>	<b>87</b>	<b>0.4</b>	<b>32</b>	<b>0.2</b>	<b>230</b>	<b>1.2</b>	<b>32</b>	<b>0.2</b>
<b>D.C. CIRCUIT</b>	<b>110</b>	<b>42</b>	<b>38.2</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	110	42	38.2	0	0.0	0	0.0	0	0.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>571</b>	<b>341</b>	<b>59.7</b>	<b>3</b>	<b>0.5</b>	<b>2</b>	<b>0.4</b>	<b>9</b>	<b>1.6</b>	<b>0</b>	<b>0.0</b>
Maine	47	31	66.0	0	0.0	0	0.0	0	0.0	0	0.0
Massachusetts	119	51	42.9	1	0.8	1	0.8	1	0.8	0	0.0
New Hampshire	44	13	29.5	1	2.3	0	0.0	0	0.0	0	0.0
Puerto Rico	316	226	71.5	1	0.3	1	0.3	8	2.5	0	0.0
Rhode Island	45	20	44.4	0	0.0	0	0.0	0	0.0	0	0.0
<b>SECOND CIRCUIT</b>	<b>859</b>	<b>312</b>	<b>36.3</b>	<b>5</b>	<b>0.6</b>	<b>2</b>	<b>0.2</b>	<b>6</b>	<b>0.7</b>	<b>1</b>	<b>0.1</b>
Connecticut	80	25	31.3	1	1.3	0	0.0	1	1.3	0	0.0
New York											
Eastern	259	79	30.5	1	0.4	2	0.8	3	1.2	0	0.0
Northern	147	72	49.0	2	1.4	0	0.0	0	0.0	0	0.0
Southern	157	43	27.4	0	0.0	0	0.0	2	1.3	0	0.0
Western	163	77	47.2	1	0.6	0	0.0	0	0.0	1	0.6
Vermont	53	16	30.2	0	0.0	0	0.0	0	0.0	0	0.0
<b>THIRD CIRCUIT</b>	<b>675</b>	<b>317</b>	<b>47.0</b>	<b>3</b>	<b>0.4</b>	<b>1</b>	<b>0.1</b>	<b>10</b>	<b>1.5</b>	<b>2</b>	<b>0.3</b>
Delaware	13	4	30.8	0	0.0	0	0.0	0	0.0	0	0.0
New Jersey	199	95	47.7	0	0.0	0	0.0	1	0.5	0	0.0
Pennsylvania											
Eastern	187	67	35.8	1	0.5	1	0.5	7	3.7	0	0.0
Middle	125	64	51.2	1	0.8	0	0.0	0	0.0	0	0.0
Western	131	77	58.8	1	0.8	0	0.0	1	0.8	0	0.0
Virgin Islands	20	10	50.0	0	0.0	0	0.0	1	5.0	2	10.0
<b>FOURTH CIRCUIT</b>	<b>1,511</b>	<b>884</b>	<b>58.5</b>	<b>10</b>	<b>0.7</b>	<b>1</b>	<b>0.1</b>	<b>28</b>	<b>1.9</b>	<b>3</b>	<b>0.2</b>
Maryland	215	83	38.6	1	0.5	0	0.0	7	3.3	0	0.0
North Carolina											
Eastern	194	113	58.2	4	2.1	0	0.0	5	2.6	0	0.0
Middle	78	63	80.8	0	0.0	0	0.0	1	1.3	0	0.0
Western	96	63	65.6	0	0.0	0	0.0	2	2.1	0	0.0
South Carolina	232	124	53.4	3	1.3	0	0.0	1	0.4	0	0.0
Virginia											
Eastern	426	301	70.7	2	0.5	1	0.2	7	1.6	2	0.5
Western	75	32	42.7	0	0.0	0	0.0	4	5.3	0	0.0
West Virginia											
Northern	99	63	63.6	0	0.0	0	0.0	1	1.0	1	1.0
Southern	96	42	43.8	0	0.0	0	0.0	0	0.0	0	0.0



Table 2 (cont.)

CIRCUIT	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>2,128</b>	<b>10.9</b>	<b>2,194</b>	<b>11.2</b>	<b>941</b>	<b>4.8</b>	<b>413</b>	<b>2.1</b>	<b>182</b>	<b>0.9</b>	<b>2,657</b>	<b>13.6</b>	<b>165</b>	<b>0.8</b>
<b>D.C. CIRCUIT</b>	<b>28</b>	<b>25.5</b>	<b>0</b>	<b>0.0</b>	<b>11</b>	<b>10.0</b>	<b>5</b>	<b>4.5</b>	<b>0</b>	<b>0.0</b>	<b>20</b>	<b>18.2</b>	<b>4</b>	<b>3.6</b>
District of Columbia	28	25.5	0	0.0	11	10.0	5	4.5	0	0.0	20	18.2	4	3.6
<b>FIRST CIRCUIT</b>	<b>51</b>	<b>8.9</b>	<b>5</b>	<b>0.9</b>	<b>50</b>	<b>8.8</b>	<b>16</b>	<b>2.8</b>	<b>5</b>	<b>0.9</b>	<b>85</b>	<b>14.9</b>	<b>4</b>	<b>0.7</b>
Maine	5	10.6	0	0.0	1	2.1	4	8.5	0	0.0	5	10.6	1	2.1
Massachusetts	11	9.2	0	0.0	13	10.9	4	3.4	1	0.8	36	30.3	0	0.0
New Hampshire	13	29.5	0	0.0	5	11.4	1	2.3	1	2.3	10	22.7	0	0.0
Puerto Rico	18	5.7	5	1.6	30	9.5	7	2.2	3	0.9	14	4.4	3	0.9
Rhode Island	4	8.9	0	0.0	1	2.2	0	0.0	0	0.0	20	44.4	0	0.0
<b>SECOND CIRCUIT</b>	<b>185</b>	<b>21.5</b>	<b>0</b>	<b>0.0</b>	<b>25</b>	<b>2.9</b>	<b>36</b>	<b>4.2</b>	<b>32</b>	<b>3.7</b>	<b>248</b>	<b>28.9</b>	<b>7</b>	<b>0.8</b>
Connecticut	16	20.0	0	0.0	2	2.5	10	12.5	3	3.8	22	27.5	0	0.0
New York														
Eastern	48	18.5	0	0.0	7	2.7	12	4.6	16	6.2	89	34.4	2	0.8
Northern	37	25.2	0	0.0	1	0.7	4	2.7	2	1.4	26	17.7	3	2.0
Southern	26	16.6	0	0.0	1	0.6	5	3.2	6	3.8	72	45.9	2	1.3
Western	46	28.2	0	0.0	7	4.3	0	0.0	0	0.0	31	19.0	0	0.0
Vermont	12	22.6	0	0.0	7	13.2	5	9.4	5	9.4	8	15.1	0	0.0
<b>THIRD CIRCUIT</b>	<b>147</b>	<b>21.8</b>	<b>0</b>	<b>0.0</b>	<b>36</b>	<b>5.3</b>	<b>10</b>	<b>1.5</b>	<b>8</b>	<b>1.2</b>	<b>135</b>	<b>20.0</b>	<b>6</b>	<b>0.9</b>
Delaware	1	7.7	0	0.0	1	7.7	0	0.0	0	0.0	7	53.8	0	0.0
New Jersey	48	24.1	0	0.0	6	3.0	4	2.0	3	1.5	41	20.6	1	0.5
Pennsylvania														
Eastern	48	25.7	0	0.0	15	8.0	5	2.7	2	1.1	38	20.3	3	1.6
Middle	27	21.6	0	0.0	8	6.4	0	0.0	1	0.8	24	19.2	0	0.0
Western	23	17.6	0	0.0	6	4.6	1	0.8	2	1.5	19	14.5	1	0.8
Virgin Islands	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	6	30.0	1	5.0
<b>FOURTH CIRCUIT</b>	<b>216</b>	<b>14.3</b>	<b>1</b>	<b>0.1</b>	<b>53</b>	<b>3.5</b>	<b>36</b>	<b>2.4</b>	<b>11</b>	<b>0.7</b>	<b>253</b>	<b>16.7</b>	<b>15</b>	<b>1.0</b>
Maryland	44	20.5	0	0.0	27	12.6	3	1.4	4	1.9	44	20.5	2	0.9
North Carolina														
Eastern	52	26.8	0	0.0	0	0.0	2	1.0	0	0.0	13	6.7	5	2.6
Middle	6	7.7	0	0.0	0	0.0	1	1.3	0	0.0	7	9.0	0	0.0
Western	22	22.9	0	0.0	2	2.1	1	1.0	0	0.0	6	6.3	0	0.0
South Carolina	40	17.2	1	0.4	5	2.2	4	1.7	0	0.0	49	21.1	5	2.2
Virginia														
Eastern	13	3.1	0	0.0	7	1.6	20	4.7	6	1.4	65	15.3	2	0.5
Western	18	24.0	0	0.0	4	5.3	5	6.7	1	1.3	11	14.7	0	0.0
West Virginia														
Northern	9	9.1	0	0.0	7	7.1	0	0.0	0	0.0	18	18.2	0	0.0
Southern	12	12.5	0	0.0	1	1.0	0	0.0	0	0.0	40	41.7	1	1.0

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>4,494</b>	<b>3,180</b>	<b>70.8</b>	<b>17</b>	<b>0.4</b>	<b>8</b>	<b>0.2</b>	<b>50</b>	<b>1.1</b>	<b>11</b>	<b>0.2</b>
Louisiana											
Eastern	<b>84</b>	50	59.5	3	3.6	0	0.0	3	3.6	0	0.0
Middle	<b>51</b>	34	66.7	1	2.0	0	0.0	1	2.0	0	0.0
Western	<b>103</b>	61	59.2	0	0.0	0	0.0	5	4.9	0	0.0
Mississippi											
Northern	<b>40</b>	29	72.5	0	0.0	0	0.0	4	10.0	0	0.0
Southern	<b>76</b>	59	77.6	0	0.0	0	0.0	3	3.9	0	0.0
Texas											
Eastern	<b>119</b>	89	74.8	0	0.0	0	0.0	1	0.8	1	0.8
Northern	<b>197</b>	114	57.9	4	2.0	8	4.1	5	2.5	0	0.0
Southern	<b>1,630</b>	986	60.5	5	0.3	0	0.0	6	0.4	4	0.2
Western	<b>2,194</b>	1,758	80.1	4	0.2	0	0.0	22	1.0	6	0.3
<b>SIXTH CIRCUIT</b>	<b>1,323</b>	<b>643</b>	<b>48.6</b>	<b>9</b>	<b>0.7</b>	<b>2</b>	<b>0.2</b>	<b>21</b>	<b>1.6</b>	<b>0</b>	<b>0.0</b>
Kentucky											
Eastern	<b>101</b>	53	52.5	1	1.0	0	0.0	1	1.0	0	0.0
Western	<b>114</b>	75	65.8	0	0.0	0	0.0	0	0.0	0	0.0
Michigan											
Eastern	<b>203</b>	103	50.7	1	0.5	0	0.0	5	2.5	0	0.0
Western	<b>114</b>	68	59.6	2	1.8	1	0.9	2	1.8	0	0.0
Ohio											
Northern	<b>222</b>	95	42.8	0	0.0	0	0.0	2	0.9	0	0.0
Southern	<b>157</b>	39	24.8	1	0.6	0	0.0	2	1.3	0	0.0
Tennessee											
Eastern	<b>211</b>	121	57.3	0	0.0	1	0.5	4	1.9	0	0.0
Middle	<b>65</b>	28	43.1	1	1.5	0	0.0	2	3.1	0	0.0
Western	<b>136</b>	61	44.9	3	2.2	0	0.0	3	2.2	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>749</b>	<b>356</b>	<b>47.5</b>	<b>4</b>	<b>0.5</b>	<b>4</b>	<b>0.5</b>	<b>9</b>	<b>1.2</b>	<b>2</b>	<b>0.3</b>
Illinois											
Central	<b>91</b>	49	53.8	1	1.1	0	0.0	1	1.1	0	0.0
Northern	<b>205</b>	90	43.9	0	0.0	2	1.0	1	0.5	0	0.0
Southern	<b>91</b>	59	64.8	2	2.2	0	0.0	3	3.3	1	1.1
Indiana											
Northern	<b>111</b>	65	58.6	1	0.9	2	1.8	0	0.0	0	0.0
Southern	<b>96</b>	47	49.0	0	0.0	0	0.0	4	4.2	0	0.0
Wisconsin											
Eastern	<b>120</b>	29	24.2	0	0.0	0	0.0	0	0.0	1	0.8
Western	<b>35</b>	17	48.6	0	0.0	0	0.0	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>1,140</b>	<b>641</b>	<b>56.2</b>	<b>3</b>	<b>0.3</b>	<b>3</b>	<b>0.3</b>	<b>16</b>	<b>1.4</b>	<b>1</b>	<b>0.1</b>
Arkansas											
Eastern	<b>73</b>	37	50.7	0	0.0	0	0.0	0	0.0	0	0.0
Western	<b>93</b>	70	75.3	0	0.0	0	0.0	0	0.0	0	0.0
Iowa											
Northern	<b>110</b>	72	65.5	0	0.0	2	1.8	1	0.9	0	0.0
Southern	<b>100</b>	32	32.0	0	0.0	0	0.0	0	0.0	0	0.0
Minnesota	<b>102</b>	38	37.3	0	0.0	0	0.0	1	1.0	1	1.0
Missouri											
Eastern	<b>182</b>	94	51.6	1	0.5	0	0.0	4	2.2	0	0.0
Western	<b>163</b>	97	59.5	0	0.0	0	0.0	7	4.3	0	0.0
Nebraska	<b>129</b>	72	55.8	0	0.0	0	0.0	3	2.3	0	0.0
North Dakota	<b>73</b>	45	61.6	0	0.0	0	0.0	0	0.0	0	0.0
South Dakota	<b>115</b>	84	73.0	2	1.7	1	0.9	0	0.0	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>324</b>	<b>7.2</b>	<b>208</b>	<b>4.6</b>	<b>91</b>	<b>2.0</b>	<b>131</b>	<b>2.9</b>	<b>12</b>	<b>0.3</b>	<b>418</b>	<b>9.3</b>	<b>44</b>	<b>1.0</b>
Louisiana														
Eastern	13	15.5	0	0.0	4	4.8	2	2.4	2	2.4	6	7.1	1	1.2
Middle	7	13.7	0	0.0	0	0.0	0	0.0	0	0.0	8	15.7	0	0.0
Western	10	9.7	0	0.0	1	1.0	0	0.0	2	1.9	23	22.3	1	1.0
Mississippi														
Northern	5	12.5	0	0.0	0	0.0	0	0.0	0	0.0	2	5.0	0	0.0
Southern	7	9.2	0	0.0	1	1.3	0	0.0	0	0.0	5	6.6	1	1.3
Texas														
Eastern	3	2.5	0	0.0	16	13.4	4	3.4	0	0.0	3	2.5	2	1.7
Northern	39	19.8	0	0.0	8	4.1	0	0.0	1	0.5	18	9.1	0	0.0
Southern	104	6.4	204	12.5	28	1.7	92	5.6	2	0.1	193	11.8	6	0.4
Western	136	6.2	4	0.2	33	1.5	33	1.5	5	0.2	160	7.3	33	1.5
<b>SIXTH CIRCUIT</b>	<b>268</b>	<b>20.3</b>	<b>0</b>	<b>0.0</b>	<b>55</b>	<b>4.2</b>	<b>23</b>	<b>1.7</b>	<b>25</b>	<b>1.9</b>	<b>261</b>	<b>19.7</b>	<b>16</b>	<b>1.2</b>
Kentucky														
Eastern	28	27.7	0	0.0	5	5.0	1	1.0	1	1.0	11	10.9	0	0.0
Western	12	10.5	0	0.0	8	7.0	2	1.8	0	0.0	17	14.9	0	0.0
Michigan														
Eastern	25	12.3	0	0.0	8	3.9	2	1.0	5	2.5	52	25.6	2	1.0
Western	10	8.8	0	0.0	1	0.9	3	2.6	5	4.4	22	19.3	0	0.0
Ohio														
Northern	62	27.9	0	0.0	3	1.4	3	1.4	1	0.5	48	21.6	8	3.6
Southern	42	26.8	0	0.0	12	7.6	7	4.5	8	5.1	44	28.0	2	1.3
Tennessee														
Eastern	60	28.4	0	0.0	3	1.4	2	0.9	3	1.4	16	7.6	1	0.5
Middle	11	16.9	0	0.0	8	12.3	0	0.0	0	0.0	15	23.1	0	0.0
Western	18	13.2	0	0.0	7	5.1	3	2.2	2	1.5	36	26.5	3	2.2
<b>SEVENTH CIRCUIT</b>	<b>118</b>	<b>15.8</b>	<b>0</b>	<b>0.0</b>	<b>43</b>	<b>5.7</b>	<b>19</b>	<b>2.5</b>	<b>21</b>	<b>2.8</b>	<b>156</b>	<b>20.8</b>	<b>17</b>	<b>2.3</b>
Illinois														
Central	12	13.2	0	0.0	6	6.6	1	1.1	1	1.1	19	20.9	1	1.1
Northern	27	13.2	0	0.0	5	2.4	9	4.4	12	5.9	46	22.4	13	6.3
Southern	6	6.6	0	0.0	3	3.3	3	3.3	5	5.5	7	7.7	2	2.2
Indiana														
Northern	25	22.5	0	0.0	6	5.4	1	0.9	0	0.0	10	9.0	1	0.9
Southern	10	10.4	0	0.0	5	5.2	0	0.0	0	0.0	30	31.3	0	0.0
Wisconsin														
Eastern	35	29.2	0	0.0	17	14.2	1	0.8	0	0.0	37	30.8	0	0.0
Western	3	8.6	0	0.0	1	2.9	4	11.4	3	8.6	7	20.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>162</b>	<b>14.2</b>	<b>16</b>	<b>1.4</b>	<b>44</b>	<b>3.9</b>	<b>10</b>	<b>0.9</b>	<b>10</b>	<b>0.9</b>	<b>227</b>	<b>19.9</b>	<b>7</b>	<b>0.6</b>
Arkansas														
Eastern	12	16.4	0	0.0	4	5.5	0	0.0	0	0.0	19	26.0	1	1.4
Western	15	16.1	0	0.0	1	1.1	1	1.1	0	0.0	6	6.5	0	0.0
Iowa														
Northern	17	15.5	0	0.0	1	0.9	1	0.9	0	0.0	16	14.5	0	0.0
Southern	34	34.0	0	0.0	9	9.0	0	0.0	1	1.0	23	23.0	1	1.0
Minnesota	13	12.7	0	0.0	2	2.0	0	0.0	1	1.0	46	45.1	0	0.0
Missouri														
Eastern	31	17.0	0	0.0	9	4.9	2	1.1	7	3.8	32	17.6	2	1.1
Western	12	7.4	0	0.0	6	3.7	0	0.0	0	0.0	41	25.2	0	0.0
Nebraska	7	5.4	15	11.6	7	5.4	0	0.0	0	0.0	24	18.6	1	0.8
North Dakota	17	23.3	1	1.4	2	2.7	1	1.4	0	0.0	6	8.2	1	1.4
South Dakota	4	3.5	0	0.0	3	2.6	5	4.3	1	0.9	14	12.2	1	0.9

Table 2 (cont.)

CIRCUIT District	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURE		UPWARD DEPARTURE W/ BOOKER		ABOVE RANGE W/ BOOKER		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>5,261</b>	<b>2,082</b>	<b>39.6</b>	<b>30</b>	<b>0.6</b>	<b>7</b>	<b>0.1</b>	<b>41</b>	<b>0.8</b>	<b>10</b>	<b>0.2</b>
Alaska	55	16	29.1	0	0.0	1	1.8	1	1.8	0	0.0
Arizona	2,250	1,043	46.4	17	0.8	2	0.1	5	0.2	2	0.1
California											
Central	417	127	30.5	3	0.7	1	0.2	8	1.9	1	0.2
Eastern	235	90	38.3	0	0.0	0	0.0	6	2.6	0	0.0
Northern	155	74	47.7	0	0.0	1	0.6	3	1.9	0	0.0
Southern	1,388	385	27.7	5	0.4	0	0.0	4	0.3	6	0.4
Guam	13	7	53.8	0	0.0	0	0.0	0	0.0	0	0.0
Hawaii	49	20	40.8	1	2.0	0	0.0	0	0.0	0	0.0
Idaho	56	24	42.9	0	0.0	0	0.0	0	0.0	0	0.0
Montana	99	64	64.6	2	2.0	0	0.0	5	5.1	0	0.0
Nevada	153	86	56.2	1	0.7	0	0.0	3	2.0	1	0.7
Northern Mariana Islands	7	6	85.7	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	158	55	34.8	0	0.0	0	0.0	4	2.5	0	0.0
Washington											
Eastern	88	41	46.6	1	1.1	2	2.3	0	0.0	0	0.0
Western	138	44	31.9	0	0.0	0	0.0	2	1.4	0	0.0
<b>TENTH CIRCUIT</b>	<b>1,326</b>	<b>717</b>	<b>54.1</b>	<b>3</b>	<b>0.2</b>	<b>0</b>	<b>0.0</b>	<b>10</b>	<b>0.8</b>	<b>2</b>	<b>0.2</b>
Colorado	123	47	38.2	0	0.0	0	0.0	0	0.0	0	0.0
Kansas	136	69	50.7	1	0.7	0	0.0	5	3.7	0	0.0
New Mexico	628	380	60.5	0	0.0	0	0.0	1	0.2	2	0.3
Oklahoma											
Eastern	15	8	53.3	0	0.0	0	0.0	0	0.0	0	0.0
Northern	59	35	59.3	2	3.4	0	0.0	0	0.0	0	0.0
Western	132	88	66.7	0	0.0	0	0.0	4	3.0	0	0.0
Utah	176	62	35.2	0	0.0	0	0.0	0	0.0	0	0.0
Wyoming	57	28	49.1	0	0.0	0	0.0	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>1,515</b>	<b>958</b>	<b>63.2</b>	<b>0</b>	<b>0.0</b>	<b>2</b>	<b>0.1</b>	<b>30</b>	<b>2.0</b>	<b>0</b>	<b>0.0</b>
Alabama											
Middle	38	21	55.3	0	0.0	0	0.0	1	2.6	0	0.0
Northern	115	82	71.3	0	0.0	0	0.0	0	0.0	0	0.0
Southern	97	65	67.0	0	0.0	0	0.0	1	1.0	0	0.0
Florida											
Middle	375	178	47.5	0	0.0	2	0.5	8	2.1	0	0.0
Northern	58	44	75.9	0	0.0	0	0.0	1	1.7	0	0.0
Southern	422	284	67.3	0	0.0	0	0.0	9	2.1	0	0.0
Georgia											
Middle	101	79	78.2	0	0.0	0	0.0	0	0.0	0	0.0
Northern	158	86	54.4	0	0.0	0	0.0	3	1.9	0	0.0
Southern	151	119	78.8	0	0.0	0	0.0	7	4.6	0	0.0

Table 2 (cont.)

CIRCUIT District	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>342</b>	<b>6.5</b>	<b>1,830</b>	<b>34.8</b>	<b>334</b>	<b>6.3</b>	<b>102</b>	<b>1.9</b>	<b>32</b>	<b>0.6</b>	<b>423</b>	<b>8.0</b>	<b>28</b>	<b>0.5</b>
Alaska	14	25.5	0	0.0	11	20.0	0	0.0	2	3.6	10	18.2	0	0.0
Arizona	61	2.7	899	40.0	73	3.2	40	1.8	8	0.4	94	4.2	6	0.3
California														
Central	49	11.8	77	18.5	51	12.2	11	2.6	3	0.7	75	18.0	11	2.6
Eastern	28	11.9	67	28.5	17	7.2	6	2.6	1	0.4	19	8.1	1	0.4
Northern	13	8.4	20	12.9	22	14.2	2	1.3	3	1.9	17	11.0	0	0.0
Southern	84	6.1	730	52.6	52	3.7	28	2.0	8	0.6	80	5.8	6	0.4
Guam	2	15.4	0	0.0	0	0.0	0	0.0	0	0.0	4	30.8	0	0.0
Hawaii	11	22.4	0	0.0	0	0.0	1	2.0	0	0.0	16	32.7	0	0.0
Idaho	13	23.2	3	5.4	4	7.1	1	1.8	0	0.0	11	19.6	0	0.0
Montana	16	16.2	0	0.0	1	1.0	0	0.0	0	0.0	11	11.1	0	0.0
Nevada	12	7.8	0	0.0	16	10.5	7	4.6	1	0.7	24	15.7	2	1.3
Northern Mariana Islands	1	14.3	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Oregon	21	13.3	22	13.9	24	15.2	2	1.3	1	0.6	29	18.4	0	0.0
Washington														
Eastern	5	5.7	5	5.7	15	17.0	2	2.3	1	1.1	15	17.0	1	1.1
Western	12	8.7	7	5.1	48	34.8	2	1.4	4	2.9	18	13.0	1	0.7
<b>TENTH CIRCUIT</b>	<b>99</b>	<b>7.5</b>	<b>134</b>	<b>10.1</b>	<b>157</b>	<b>11.8</b>	<b>14</b>	<b>1.1</b>	<b>10</b>	<b>0.8</b>	<b>172</b>	<b>13.0</b>	<b>8</b>	<b>0.6</b>
Colorado	34	27.6	0	0.0	24	19.5	0	0.0	0	0.0	16	13.0	2	1.6
Kansas	12	8.8	0	0.0	25	18.4	3	2.2	0	0.0	20	14.7	1	0.7
New Mexico	18	2.9	83	13.2	85	13.5	5	0.8	4	0.6	48	7.6	2	0.3
Oklahoma														
Eastern	7	46.7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Northern	10	16.9	0	0.0	0	0.0	2	3.4	0	0.0	10	16.9	0	0.0
Western	4	3.0	0	0.0	3	2.3	0	0.0	1	0.8	32	24.2	0	0.0
Utah	10	5.7	51	29.0	10	5.7	2	1.1	2	1.1	36	20.5	3	1.7
Wyoming	4	7.0	0	0.0	10	17.5	2	3.5	3	5.3	10	17.5	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>188</b>	<b>12.4</b>	<b>0</b>	<b>0.0</b>	<b>42</b>	<b>2.8</b>	<b>11</b>	<b>0.7</b>	<b>16</b>	<b>1.1</b>	<b>259</b>	<b>17.1</b>	<b>9</b>	<b>0.6</b>
Alabama														
Middle	10	26.3	0	0.0	3	7.9	0	0.0	1	2.6	2	5.3	0	0.0
Northern	24	20.9	0	0.0	0	0.0	1	0.9	0	0.0	8	7.0	0	0.0
Southern	15	15.5	0	0.0	0	0.0	0	0.0	0	0.0	16	16.5	0	0.0
Florida														
Middle	67	17.9	0	0.0	8	2.1	6	1.6	7	1.9	99	26.4	0	0.0
Northern	3	5.2	0	0.0	0	0.0	2	3.4	0	0.0	6	10.3	2	3.4
Southern	30	7.1	0	0.0	10	2.4	1	0.2	8	1.9	75	17.8	5	1.2
Georgia														
Middle	12	11.9	0	0.0	2	2.0	0	0.0	0	0.0	8	7.9	0	0.0
Northern	15	9.5	0	0.0	15	9.5	1	0.6	0	0.0	37	23.4	1	0.6
Southern	12	7.9	0	0.0	4	2.6	0	0.0	0	0.0	8	5.3	1	0.7

<sup>1</sup> Of the 19,786 cases, 252 were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. The information needed to determine the relationship between the sentence imposed and the guideline range was missing in five percent or more of the cases received from: Northern Georgia (9.2%), Guam (7.1%), Middle Georgia (6.5%), and Eastern North Carolina (5.8%). Descriptions of variables used in this table are provided in Appendix A.

Table 3

**SENTENCES RELATIVE TO THE GUIDELINE RANGE**  
**BY EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	TOTAL	WITHIN GUIDELINE RANGE		UPWARD DEPARTURES		UPWARD DEPARTURES W/ <i>BOOKER</i>		ABOVE RANGE WITH W/ <i>BOOKER</i>		REMAINING ABOVE RANGE	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,533</b>	<b>10,473</b>	<b>53.6</b>	<b>87</b>	<b>0.4</b>	<b>32</b>	<b>0.2</b>	<b>230</b>	<b>1.2</b>	<b>32</b>	<b>0.2</b>
Murder	19	10	52.6	1	5.3	0	0.0	1	5.3	0	0.0
Manslaughter	15	7	46.7	1	6.7	1	6.7	1	6.7	1	6.7
Kidnapping/Hostage Taking	11	6	54.5	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	103	64	62.1	5	4.9	1	1.0	4	3.9	0	0.0
Assault	149	81	54.4	3	2.0	1	0.7	1	0.7	0	0.0
Robbery	218	120	55.0	1	0.5	1	0.5	6	2.8	0	0.0
Arson	13	7	53.8	0	0.0	0	0.0	2	15.4	0	0.0
Drugs - Trafficking	5,950	2,771	46.6	16	0.3	0	0.0	30	0.5	6	0.1
Drugs - Communication Facility	96	46	47.9	1	1.0	0	0.0	3	3.1	0	0.0
Drugs - Simple Possession	132	123	93.2	1	0.8	0	0.0	0	0.0	0	0.0
Firearms	1,809	1,062	58.7	14	0.8	8	0.4	47	2.6	6	0.3
Burglary/B&E	8	5	62.5	0	0.0	0	0.0	0	0.0	0	0.0
Auto Theft	16	11	68.8	0	0.0	0	0.0	1	6.3	0	0.0
Larceny	288	206	71.5	0	0.0	1	0.3	3	1.0	0	0.0
Fraud	1,825	979	53.6	7	0.4	2	0.1	29	1.6	3	0.2
Embezzlement	79	46	58.2	0	0.0	0	0.0	0	0.0	0	0.0
Forgery/Counterfeiting	216	145	67.1	2	0.9	2	0.9	3	1.4	1	0.5
Bribery	59	20	33.9	0	0.0	0	0.0	0	0.0	0	0.0
Tax	147	53	36.1	1	0.7	0	0.0	0	0.0	1	0.7
Money Laundering	177	62	35.0	1	0.6	0	0.0	5	2.8	0	0.0
Racketeering/Extortion	199	94	47.2	5	2.5	1	0.5	7	3.5	0	0.0
Gambling/Lottery	7	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Civil Rights	11	6	54.5	0	0.0	0	0.0	0	0.0	0	0.0
Immigration	6,487	3,656	56.4	23	0.4	8	0.1	50	0.8	11	0.2
Child Pornography	453	165	36.4	1	0.2	2	0.4	9	2.0	0	0.0
Prison Offenses	105	84	80.0	1	1.0	0	0.0	2	1.9	0	0.0
Administration of Justice Offenses	295	181	61.4	2	0.7	2	0.7	15	5.1	1	0.3
Environmental/Wildlife	30	13	43.3	0	0.0	0	0.0	0	0.0	0	0.0
National Defense	23	7	30.4	0	0.0	1	4.3	0	0.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	15	8	53.3	1	6.7	0	0.0	3	20.0	0	0.0
Other Miscellaneous Offenses	578	435	75.3	0	0.0	1	0.2	8	1.4	2	0.3

Table 3 (cont.)

PRIMARY OFFENSE	§5K1.1 SUBSTANTIAL ASSISTANCE		§5K3.1 EARLY DISPOSITION		OTHER GOV'T SPONSORED		BELOW DOWNWARD DEPARTURE		DOWNWARD DEPARTURE W/ BOOKER		BELOW RANGE W/ BOOKER		REMAINING BELOW RANGE	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>2,128</b>	<b>10.9</b>	<b>2,194</b>	<b>11.2</b>	<b>940</b>	<b>4.8</b>	<b>413</b>	<b>2.1</b>	<b>182</b>	<b>0.9</b>	<b>2,657</b>	<b>13.6</b>	<b>165</b>	<b>0.8</b>
<b>Murder</b>	1	5.3	0	0.0	6	31.6	0	0.0	0	0.0	0	0.0	0	0.0
<b>Manslaughter</b>	0	0.0	0	0.0	1	6.7	1	6.7	1	6.7	1	6.7	0	0.0
<b>Kidnapping/Hostage Taking</b>	3	27.3	0	0.0	2	18.2	0	0.0	0	0.0	0	0.0	0	0.0
<b>Sexual Abuse</b>	9	8.7	0	0.0	12	11.7	0	0.0	0	0.0	8	7.8	0	0.0
<b>Assault</b>	3	2.0	1	0.7	20	13.4	6	4.0	3	2.0	26	17.4	4	2.7
<b>Robbery</b>	20	9.2	2	0.9	12	5.5	3	1.4	1	0.5	51	23.4	1	0.5
<b>Arson</b>	4	30.8	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Drugs - Trafficking</b>	1,309	22.0	413	6.9	321	5.4	117	2.0	74	1.2	854	14.4	39	0.7
<b>Drugs - Communication Facility</b>	7	7.3	0	0.0	12	12.5	2	2.1	0	0.0	24	25.0	1	1.0
<b>Drugs - Simple Possession</b>	2	1.5	1	0.8	0	0.0	0	0.0	0	0.0	3	2.3	2	1.5
<b>Firearms</b>	179	9.9	1	0.1	124	6.9	38	2.1	14	0.8	297	16.4	19	1.1
<b>Burglary/B&amp;E</b>	1	12.5	0	0.0	0	0.0	0	0.0	1	12.5	1	12.5	0	0.0
<b>Auto Theft</b>	0	0.0	0	0.0	0	0.0	2	12.5	0	0.0	2	12.5	0	0.0
<b>Larceny</b>	19	6.6	0	0.0	14	4.9	2	0.7	2	0.7	38	13.2	3	1.0
<b>Fraud</b>	281	15.4	0	0.0	105	5.8	31	1.7	20	1.1	347	19.0	21	1.2
<b>Embezzlement</b>	2	2.5	0	0.0	3	3.8	1	1.3	0	0.0	23	29.1	4	5.1
<b>Forgery/Counterfeiting</b>	17	7.9	0	0.0	2	0.9	4	1.9	2	0.9	34	15.7	4	1.9
<b>Bribery</b>	16	27.1	0	0.0	1	1.7	0	0.0	0	0.0	22	37.3	0	0.0
<b>Tax</b>	17	11.6	0	0.0	13	8.8	5	3.4	3	2.0	50	34.0	4	2.7
<b>Money Laundering</b>	34	19.2	2	1.1	19	10.7	7	4.0	5	2.8	41	23.2	1	0.6
<b>Racketeering/Extortion</b>	34	17.1	0	0.0	21	10.6	7	3.5	5	2.5	24	12.1	1	0.5
<b>Gambling/Lottery</b>	5	71.4	0	0.0	1	14.3	0	0.0	0	0.0	1	14.3	0	0.0
<b>Civil Rights</b>	1	9.1	0	0.0	1	9.1	0	0.0	0	0.0	3	27.3	0	0.0
<b>Immigration</b>	74	1.1	1,773	27.3	143	2.2	160	2.5	28	0.4	516	8.0	45	0.7
<b>Child Pornography</b>	15	3.3	0	0.0	49	10.8	15	3.3	13	2.9	178	39.3	6	1.3
<b>Prison Offenses</b>	1	1.0	0	0.0	4	3.8	1	1.0	2	1.9	10	9.5	0	0.0
<b>Administration of Justice Offenses</b>	31	10.5	1	0.3	19	6.4	6	2.0	2	0.7	34	11.5	1	0.3
<b>Environmental/Wildlife</b>	2	6.7	0	0.0	4	13.3	1	3.3	3	10.0	7	23.3	0	0.0
<b>National Defense</b>	9	39.1	0	0.0	3	13.0	0	0.0	0	0.0	3	13.0	0	0.0
<b>Antitrust</b>	0	--	0	--	0	--	0	--	0	--	0	--	0	--
<b>Food &amp; Drug</b>	2	13.3	0	0.0	0	0.0	0	0.0	0	0.0	1	6.7	0	0.0
<b>Other Miscellaneous Offenses</b>	30	5.2	0	0.0	28	4.8	4	0.7	3	0.5	58	10.0	9	1.6

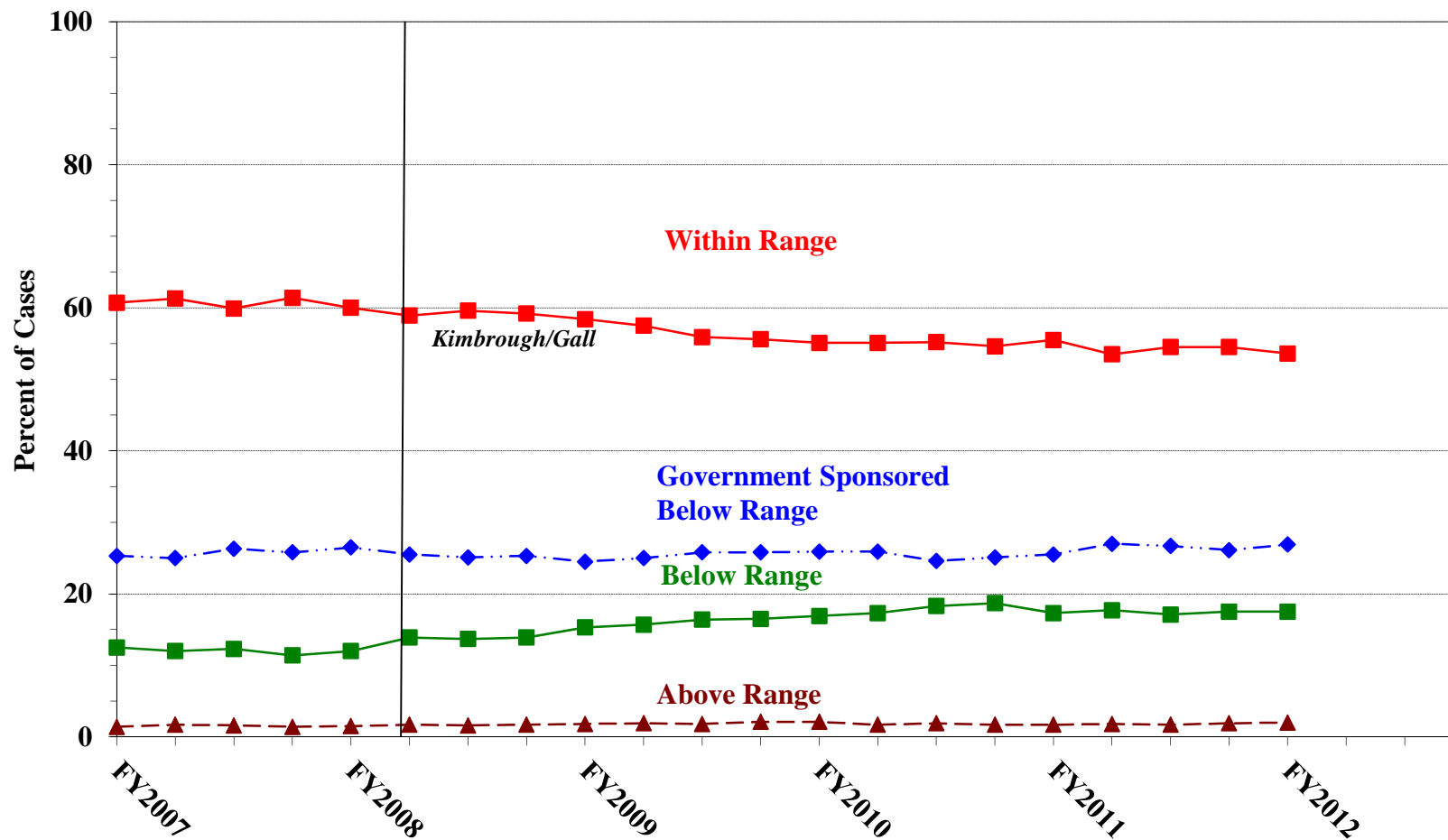
<sup>1</sup> Of the 19,786 cases, 253 were excluded due to one or both of the following reasons: missing primary offense (1) or information that was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (252). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

Figure A

# QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>

Fiscal Years 2007 - 2011,  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)

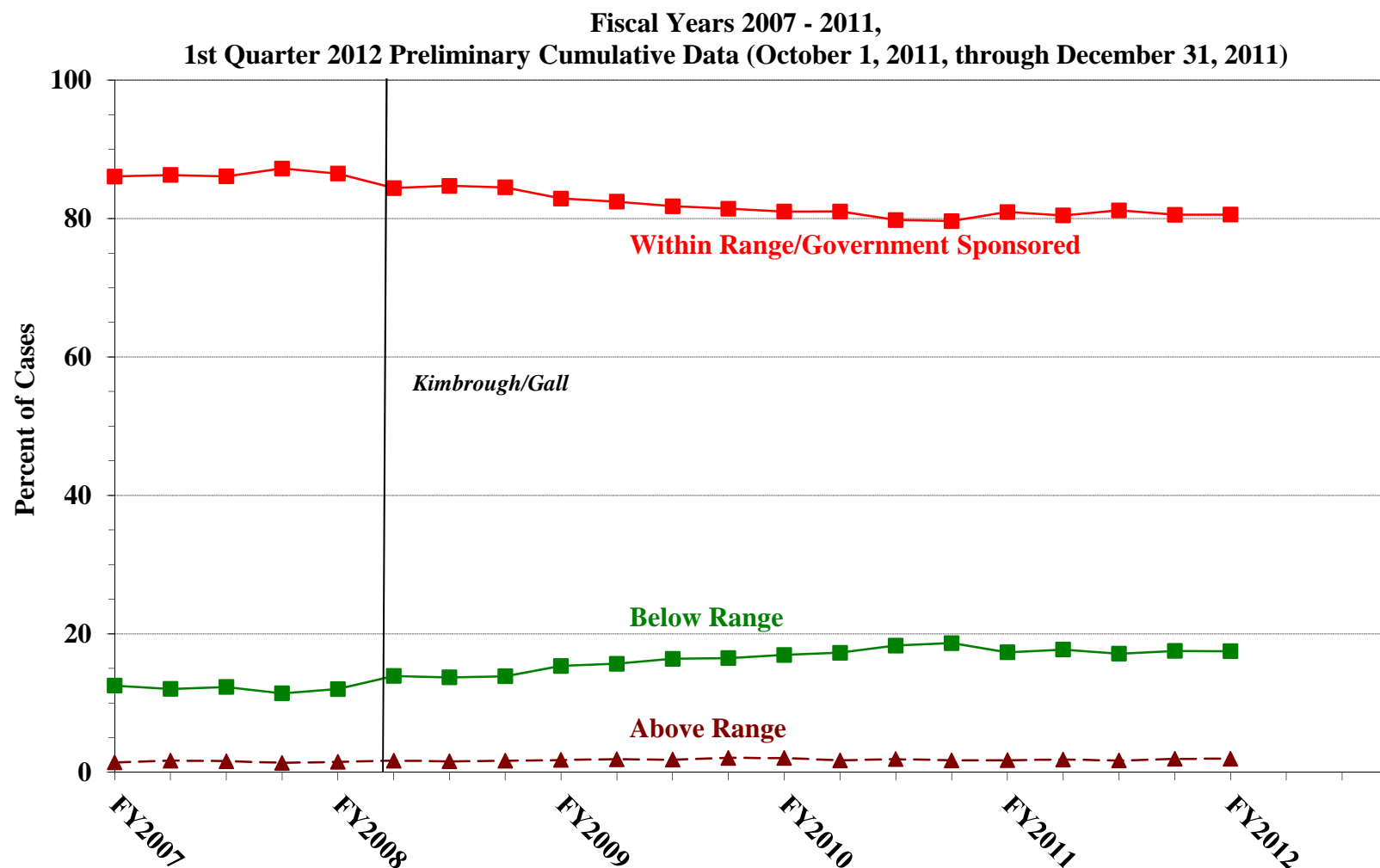


<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.



Figure B

**QUARTERLY DATA FOR WITHIN RANGE/GOVERNMENT SPONSORED  
AND OTHER OUT OF RANGE SENTENCES<sup>1</sup>**



<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 4

**QUARTERLY DATA FOR WITHIN RANGE AND OUT OF RANGE SENTENCES<sup>1</sup>**  
**Fiscal Years 2007 - 2011,**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>FISCAL YEAR</b>	<b>WITHIN GUIDELINE RANGE</b>	<b>GOVERNMENT SPONSORED BELOW RANGE</b>	<b>BELOW RANGE</b>	<b>ABOVE RANGE</b>
Quarter	%	%	%	%
<b>FY2007</b>				
1st Quarter	60.7	25.3	12.5	1.4
2ndQuarter	61.3	25.0	12.0	1.7
3rd Quarter	59.9	26.3	12.3	1.6
4th Quarter	61.4	25.8	11.4	1.4
<b>FY2008</b>				
1st Quarter	60.0	26.5	12.0	1.5
2ndQuarter	58.9	25.5	13.9	1.7
3rd Quarter	59.6	25.1	13.7	1.6
4th Quarter	59.2	25.3	13.9	1.7
<b>FY2009</b>				
1st Quarter	58.4	24.5	15.3	1.8
2ndQuarter	57.5	25.0	15.7	1.9
3rd Quarter	55.9	25.8	16.4	1.8
4th Quarter	55.6	25.8	16.5	2.1
<b>FY2010</b>				
1st Quarter	55.1	25.9	16.9	2.1
2ndQuarter	55.1	25.9	17.3	1.7
3rd Quarter	55.2	24.6	18.3	1.9
4th Quarter	54.6	25.1	18.7	1.7
<b>FY2011</b>				
1st Quarter	55.5	25.5	17.3	1.7
2ndQuarter	53.5	27.0	17.7	1.8
3rd Quarter	54.5	26.7	17.1	1.7
4th Quarter	54.5	26.1	17.5	1.9
<b>FY2012</b>				
1st Quarter	53.6	26.9	17.5	2.0
2ndQuarter	--	--	--	--
3rd Quarter	--	--	--	--
4th Quarter	--	--	--	--

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.





[illegible]

Table 5 (cont.)

Guideline	Total	Within Guideline Range	Upward		Above Range		Government Sponsored			Downward		Below Range	
			Departure		with Booker	All Others	\$5K1.1	\$5K3.1	Other Gov't	Departure		with Booker	All Others
			Gdline Only	with Booker						Gdline Only	with Booker		
§2N1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2N2.1	12	8	1	0	3	0	0	0	0	0	0	0	0
§2N3.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.1	66	53	1	0	1	0	1	0	3	1	0	6	0
§2P1.2	35	29	0	0	1	0	0	0	0	0	2	3	0
§2P1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2P1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.1	1	0	0	0	0	0	0	0	0	0	0	1	0
§2Q1.2	13	5	0	0	0	0	1	0	1	0	0	6	0
§2Q1.3	3	0	0	0	0	0	0	0	0	1	2	0	0
§2Q1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q1.6	0	0	0	0	0	0	0	0	0	0	0	0	0
§2Q2.1	14	7	0	0	0	0	2	0	2	0	1	2	0
§2Q2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2R1.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.1	241	85	1	0	6	0	62	0	17	7	2	60	1
§2S1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2S1.3	59	24	0	0	0	0	7	2	14	3	3	5	1
§2S1.4	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.1	115	41	0	0	1	1	14	0	12	3	1	38	4
§2T1.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.3	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.4	41	17	0	0	0	0	6	0	1	2	3	12	0
§2T1.5	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.6	10	2	0	0	0	0	0	0	0	1	0	7	0
§2T1.7	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.8	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T1.9	3	0	0	0	0	0	0	0	0	0	0	3	0
§2T2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T2.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T3.1	3	3	0	0	0	0	0	0	0	0	0	0	0
§2T3.2	0	0	0	0	0	0	0	0	0	0	0	0	0
§2T4.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X1.1	4	4	0	0	0	0	0	0	0	0	0	0	0
§2X2.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X3.1	31	14	0	0	3	0	8	0	1	3	0	2	0
§2X4.1	73	37	1	0	2	0	15	0	8	0	0	9	1
§2X5.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X5.2	56	53	0	0	1	0	0	0	1	0	0	0	1
§2X6.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.1	0	0	0	0	0	0	0	0	0	0	0	0	0
§2X7.2	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>17,929</b>	<b>9,250</b>	<b>85</b>	<b>31</b>	<b>223</b>	<b>25</b>	<b>2,111</b>	<b>1,969</b>	<b>907</b>	<b>402</b>	<b>180</b>	<b>2,591</b>	<b>155</b>

<sup>1</sup> Of the 19,786 cases, 1,857 were excluded due to one or both of the following reasons: information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range (252) or missing guideline applied (1,840). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> In 168 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 1028A. By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 168 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

<sup>3</sup> In 506 cases, the defendant was convicted of one or more counts of violating 18 U.S.C. § 924(c). By statute, the punishment for this crime must be served consecutively to any other punishment; therefore, in these 506 cases the conviction for this crime did not affect the guideline calculation for the underlying offense.

Table 6

**ATTRIBUTION CATEGORY FOR CASES OUTSIDE OF THE GUIDELINE RANGE<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

	TOTAL CASES	Pursuant to a Plea Agreement									
		§5K1.1		§5K3.1		Binding Plea		Plea w/ Departure Court		Plea Agreement States Gov't	
		Plea Agreement		Plea Agreement		Accepted by Court		Finds Reasonable		Will Not Oppose	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>9,061</b>	<b>1,406</b>	<b>15.5</b>	<b>2,077</b>	<b>22.9</b>	<b>826</b>	<b>9.1</b>	<b>569</b>	<b>6.3</b>	<b>51</b>	<b>0.6</b>
<b>Above Range</b>	<b>381</b>	<b>1</b>	<b>0.3</b>	<b>6</b>	<b>1.6</b>	<b>59</b>	<b>15.5</b>	<b>29</b>	<b>7.6</b>	<b>0</b>	<b>0.0</b>
Upward Departure From Guideline Range	87	1	1.1	1	1.1	18	20.7	18	20.7	0	0.0
Upward Departure With <i>Booker</i> /18 U.S.C. § 3553	32	0	0.0	0	0.0	2	6.3	1	3.1	0	0.0
Above Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	230	0	0.0	0	0.0	39	17.0	10	4.3	0	0.0
All Remaining Cases Above Guideline Range	32	0	0.0	5	15.6	0	0.0	0	0.0	0	0.0
<b>Government Sponsored Below Range</b>	<b>5,263</b>	<b>1,405</b>	<b>26.7</b>	<b>2,071</b>	<b>39.4</b>	<b>767</b>	<b>14.6</b>	<b>540</b>	<b>10.3</b>	<b>51</b>	<b>1.0</b>
§5K1.1 Substantial Assistance Departure	2,128	1,405	66.0	29	1.4	35	1.6	42	2.0	7	0.3
§5K3.1 Early Disposition Program Departure	2,194	0	0.0	2,042	93.1	318	14.5	208	9.5	1	0.0
Other Government Sponsored Below Range	941	0	0.0	0	0.0	414	44.0	290	30.8	43	4.6
<b>Below Range</b>	<b>3,417</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
Downward Departure From Guideline Range	413	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Downward Departure With <i>Booker</i> /18 U.S.C. § 3553	182	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Below Guideline Range With <i>Booker</i> /18 U.S.C. § 3553	2,657	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
All Remaining Cases Below Guideline Range	165	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0

Table 6 (cont.)

	Pursuant to a Motion Not in a Plea Agreement										Other than a Plea/Motion by Parties		No Information Available	
	§5K1.1 Government Motion		§5K3.1 Government Motion		Other Government Motion		Defense Motion/ Government Did Not Object		Defense Motion/ Government Did Object					
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
TOTAL	650	7.2	56	0.6	341	3.8	1,088	12.0	1,098	12.1	1,380	15.2	942	10.4
Above Range	1	0.3	0	0.0	62	16.3	2	0.5	1	0.3	149	39.1	82	21.5
Upward Departure From Guideline Range	1	1.1	0	0.0	18	20.7	1	1.1	0	0.0	26	29.9	11	12.6
Upward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	11	34.4	1	3.1	1	3.1	13	40.6	5	15.6
Above Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	33	14.3	0	0.0	0	0.0	109	47.4	40	17.4
All Remaining Cases Above Guideline Range	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	1	3.1	26	81.3
Government Sponsored Below Range	649	12.3	56	1.1	279	5.3	267	5.1	178	3.4	173	3.3	155	2.9
§5K1.1 Substantial Assistance Departure	649	30.5	1	0.0	62	2.9	124	5.8	86	4.0	113	5.3	54	2.5
§5K3.1 Early Disposition Program Departure	0	0.0	55	2.5	15	0.7	57	2.6	67	3.1	32	1.5	75	3.4
Other Government Sponsored Below Range	0	0.0	0	0.0	202	21.5	86	9.1	25	2.7	28	3.0	26	2.8
Below Range	0	0.0	0	0.0	0	0.0	819	24.0	919	26.9	1,058	31.0	705	20.6
Downward Departure From Guideline Range	0	0.0	0	0.0	0	0.0	128	31.0	95	23.0	123	29.8	78	18.9
Downward Departure With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	40	22.0	56	30.8	68	37.4	38	20.9
Below Guideline Range With <i>Booker</i> / 18 U.S.C. § 3553	0	0.0	0	0.0	0	0.0	650	24.5	766	28.8	864	32.5	430	16.2
All Remaining Cases Below Guideline Range	0	0.0	0	0.0	0	0.0	1	0.6	2	1.2	3	1.8	159	96.4

<sup>1</sup> Multiple attributions may be made on the SOR. Therefore, the numbers reported in this table may exceed the number of total cases. For example, among SORs with an attribution, 1,181 cases indicated more than one attribution. Note that only outside of the range cases are included in this table. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).



**§5K1.1 SUBSTANTIAL ASSISTANCE DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>2,050</b>	<b>37</b>	<b>30</b>	<b>48.6</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	3	100	68	40.5
Sexual Abuse	9	60	57	50.4
Assault	3	48	36	42.9
Robbery	20	38	35	41.5
Arson	4	38	24	36.7
Drugs - Trafficking	1,268	48	38	44.4
Drugs - Communication Facility	7	3	9	74.0
Drugs - Simple Possession	1	--	--	--
Firearms	169	60	34	41.3
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	19	5	18	70.0
Fraud	272	5	18	83.3
Embezzlement	2	--	--	--
Forgery/Counterfeiting	16	6	11	52.7
Bribery	16	12	24	75.3
Tax	16	0	12	100.0
Money Laundering	34	14	22	62.4
Racketeering/Extortion	30	46	41	44.9
Gambling/Lottery	5	0	6	100.0
Civil Rights	1	--	--	--
Immigration	68	11	12	47.4
Child Pornography	14	91	43	33.2
Prison Offenses	1	--	--	--
Administration of Justice Offenses	31	0	15	100.0
Environmental/Wildlife	2	--	--	--
National Defense	8	31	29	43.3
Antitrust	0	--	--	--
Food & Drug	2	--	--	--
Other Miscellaneous Offenses	28	22	18	45.6

<sup>1</sup> Of the 19,786 cases, 2,128 received a §5K1.1 substantial assistance departure. Of these, 2,070 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional 15 cases were also excluded from this table. Of the remaining 2,055 cases, five were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**§5K3.1 EARLY DISPOSITION PROGRAM DEPARTURE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>1,941</b>	<b>18</b>	<b>7</b>	<b>30.0</b>
Murder	0	--	--	--
Manslaughter	0	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	1	--	--	--
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	375	24	12	34.8
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	1	--	--	--
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	0	--	--	--
Fraud	0	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	0	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	2	--	--	--
Racketeering/Extortion	0	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	1,559	18	6	28.3
Child Pornography	0	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	1	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	0	--	--	--

<sup>1</sup> Of the 19,786 cases, 2,194 received a §5K3.1 early disposition program departure. Of these, 1,941 cases had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**OTHER GOVERNMENT SPONSORED BELOW RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>879</b>	<b>29</b>	<b>16</b>	<b>38.1</b>
<b>Murder</b>	6	132	34	27.5
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	1	--	--	--
<b>Sexual Abuse</b>	11	60	71	47.2
<b>Assault</b>	17	15	20	46.8
<b>Robbery</b>	11	48	19	33.3
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	307	60	22	35.1
<b>Drugs - Communication Facility</b>	11	24	18	56.3
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	120	47	23	34.5
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	12	0	10	100.0
<b>Fraud</b>	100	7	14	62.0
<b>Embezzlement</b>	3	0	9	98.1
<b>Forgery/Counterfeiting</b>	2	--	--	--
<b>Bribery</b>	1	--	--	--
<b>Tax</b>	12	6	12	70.8
<b>Money Laundering</b>	19	12	13	40.0
<b>Racketeering/Extortion</b>	17	120	24	15.3
<b>Gambling/Lottery</b>	1	--	--	--
<b>Civil Rights</b>	1	--	--	--
<b>Immigration</b>	130	11	4	33.3
<b>Child Pornography</b>	49	60	49	38.5
<b>Prison Offenses</b>	3	4	4	62.6
<b>Administration of Justice Offenses</b>	18	1	12	93.3
<b>Environmental/Wildlife</b>	2	--	--	--
<b>National Defense</b>	3	24	16	35.1
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	21	1	10	91.7

<sup>1</sup> Of the 19,786 cases, 941 received an other government sponsored downward departure. Of these, 886 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional six cases were also excluded from this table. Of the remaining 880 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**DOWNWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>393</b>	<b>30</b>	<b>11</b>	<b>27.1</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	5	12	9	25.5
Robbery	2	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	112	60	13	20.0
Drugs - Communication Facility	2	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	37	46	11	21.1
Burglary/B&E	0	--	--	--
Auto Theft	2	--	--	--
Larceny	2	--	--	--
Fraud	31	12	10	48.1
Embezzlement	1	--	--	--
Forgery/Counterfeiting	4	9	9	60.0
Bribery	0	--	--	--
Tax	5	6	12	66.7
Money Laundering	6	27	7	47.4
Racketeering/Extortion	6	30	10	24.5
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	150	27	10	27.1
Child Pornography	15	91	39	35.7
Prison Offenses	1	--	--	--
Administration of Justice Offenses	6	2	9	87.9
Environmental/Wildlife	1	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	4	0	13	100.0

<sup>1</sup> Of the 19,786 cases, 413 received a downward departure from the guideline range. Of these, 393 cases had complete guideline application information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**DOWNWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>175</b>	<b>30</b>	<b>18</b>	<b>41.5</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	0	--	--	--
Assault	2	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	71	51	27	37.0
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	13	27	22	27.0
Burglary/B&E	1	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	19	0	15	99.7
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	3	0	18	100.0
Money Laundering	5	0	21	100.0
Racketeering/Extortion	5	18	12	41.7
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	28	24	11	32.1
Child Pornography	13	72	48	38.1
Prison Offenses	2	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	3	0	30	100.0
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	3	0	15	100.0

<sup>1</sup> Of the 19,786 cases, 182 received a downward departure from the guideline range with *Booker*/ 18 U.S.C § 3553. Of these, 176 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, one additional case was also excluded from this table. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**BELOW GUIDELINE RANGE WITH *BOOKER*/18 U.S.C. § 3553: DEGREE  
OF DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Decrease in Months From Guideline Minimum	Median Percent Decrease From Guideline Minimum
<b>TOTAL</b>	<b>2,545</b>	<b>24</b>	<b>12</b>	<b>34.8</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	7	120	24	40.0
Assault	25	18	12	49.9
Robbery	50	48	15	27.1
Arson	0	--	--	--
Drugs - Trafficking	839	48	16	29.4
Drugs - Communication Facility	24	15	12	37.6
Drugs - Simple Possession	3	0	1	100.0
Firearms	292	30	12	25.2
Burglary/B&E	1	--	--	--
Auto Theft	2	--	--	--
Larceny	38	0	8	100.0
Fraud	337	12	12	56.5
Embezzlement	22	6	10	63.4
Forgery/Counterfeiting	34	3	9	84.5
Bribery	22	21	19	54.6
Tax	48	0	10	100.0
Money Laundering	38	26	14	38.9
Racketeering/Extortion	23	24	12	22.2
Gambling/Lottery	1	--	--	--
Civil Rights	3	6	10	50.0
Immigration	452	20	9	33.2
Child Pornography	177	66	42	37.1
Prison Offenses	9	8	6	41.7
Administration of Justice Offenses	33	6	10	61.4
Environmental/Wildlife	3	0	6	100.0
National Defense	3	36	10	21.7
Antitrust	0	--	--	--
Food & Drug	1	--	--	--
Other Miscellaneous Offenses	57	5	10	66.7

<sup>1</sup> Of the 19,786 cases, 2,657 were sentenced below the guideline range with *Booker*/18 U.S.C § 3553. Of these, 2,554 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional five cases were also excluded from this table. Of the remaining 2,549 cases, four were excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**ALL REMAINING BELOW GUIDELINE RANGE CASES: DEGREE OF  
DECREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Decrease in Months From Guideline Minimum</b>	<b>Median Percent Decrease From Guideline Minimum</b>
<b>TOTAL</b>	<b>146</b>	<b>9</b>	<b>6</b>	<b>49.6</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	0	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	4	5	3	52.1
<b>Robbery</b>	1	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	35	41	8	42.5
<b>Drugs - Communication Facility</b>	0	--	--	--
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	18	48	10	28.5
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	2	--	--	--
<b>Fraud</b>	21	6	7	50.0
<b>Embezzlement</b>	4	0	6	100.0
<b>Forgery/Counterfeiting</b>	3	0	6	100.0
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	4	0	6	100.0
<b>Money Laundering</b>	1	--	--	--
<b>Racketeering/Extortion</b>	1	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	39	4	2	47.1
<b>Child Pornography</b>	6	240	315	23.8
<b>Prison Offenses</b>	0	--	--	--
<b>Administration of Justice Offenses</b>	1	--	--	--
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	5	0	4	100.0

<sup>1</sup> Of the 19,786 cases, 165 were otherwise sentenced below the guideline range. Of these, 149 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a guideline minimum of life, an additional two cases were also excluded from this table. Of the remaining 147 cases, one was excluded due to missing sentence information. Note that the information presented in this table does include sentences of probation, but does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**UPWARD DEPARTURES FROM GUIDELINE RANGE: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>81</b>	<b>48</b>	<b>12</b>	<b>30.4</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	5	168	48	40.0
<b>Assault</b>	3	84	21	52.4
<b>Robbery</b>	1	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	16	60	15	26.3
<b>Drugs - Communication Facility</b>	1	--	--	--
<b>Drugs - Simple Possession</b>	1	--	--	--
<b>Firearms</b>	12	102	17	22.8
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	0	--	--	--
<b>Fraud</b>	6	67	16	41.3
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	2	--	--	--
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	1	--	--	--
<b>Money Laundering</b>	1	--	--	--
<b>Racketeering/Extortion</b>	4	102	14	20.2
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	22	24	7	34.5
<b>Child Pornography</b>	1	--	--	--
<b>Prison Offenses</b>	1	--	--	--
<b>Administration of Justice Offenses</b>	2	--	--	--
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	1	--	--	--
<b>Other Miscellaneous Offenses</b>	0	--	--	--

<sup>1</sup> Of the 19,786 cases, 87 received an upward departure from the guideline range. Of these, 82 cases had complete guideline application information. Due to an inability to calculate the extent of departure for cases with a sentence of life, one additional case was also excluded from this table. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.



**UPWARD DEPARTURES WITH *BOOKER* /18 U.S.C. § 3553: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>30</b>	<b>93</b>	<b>28</b>	<b>49.6</b>
Murder	0	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	1	--	--	--
Assault	1	--	--	--
Robbery	1	--	--	--
Arson	0	--	--	--
Drugs - Trafficking	0	--	--	--
Drugs - Communication Facility	0	--	--	--
Drugs - Simple Possession	0	--	--	--
Firearms	7	240	52	27.7
Burglary/B&E	0	--	--	--
Auto Theft	0	--	--	--
Larceny	1	--	--	--
Fraud	2	--	--	--
Embezzlement	0	--	--	--
Forgery/Counterfeiting	2	--	--	--
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	0	--	--	--
Racketeering/Extortion	1	--	--	--
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	8	30	12	50.0
Child Pornography	2	--	--	--
Prison Offenses	0	--	--	--
Administration of Justice Offenses	2	--	--	--
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	0	--	--	--
Other Miscellaneous Offenses	1	--	--	--

<sup>1</sup> Of the 19,786 cases, 32 received an upward departure from the guideline range with *Booker*/18 U.S.C § 3553. Of these, 31 cases had complete guideline application information. Of the remaining, one case was excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ABOVE GUIDELINE RANGE WITH *BOOKER* /18 U.S.C. § 3553: DEGREE  
OF INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	N	Median Sentence in Months	Median Increase in Months From Guideline Maximum	Median Percent Increase From Guideline Maximum
<b>TOTAL</b>	<b>216</b>	<b>60</b>	<b>15</b>	<b>44.7</b>
Murder	1	--	--	--
Manslaughter	1	--	--	--
Kidnapping/Hostage Taking	0	--	--	--
Sexual Abuse	4	200	46	46.9
Assault	1	--	--	--
Robbery	6	135	50	41.4
Arson	2	--	--	--
Drugs - Trafficking	27	72	12	21.1
Drugs - Communication Facility	3	84	15	20.3
Drugs - Simple Possession	0	--	--	--
Firearms	41	96	26	31.6
Burglary/B&E	0	--	--	--
Auto Theft	1	--	--	--
Larceny	3	30	9	25.0
Fraud	29	36	9	38.7
Embezzlement	0	--	--	--
Forgery/Counterfeiting	3	19	7	58.3
Bribery	0	--	--	--
Tax	0	--	--	--
Money Laundering	4	65	20	35.3
Racketeering/Extortion	7	108	42	46.3
Gambling/Lottery	0	--	--	--
Civil Rights	0	--	--	--
Immigration	48	24	8	50.2
Child Pornography	9	240	35	28.4
Prison Offenses	2	--	--	--
Administration of Justice Offenses	14	70	18	56.4
Environmental/Wildlife	0	--	--	--
National Defense	0	--	--	--
Antitrust	0	--	--	--
Food & Drug	3	9	3	50.0
Other Miscellaneous Offenses	7	120	45	33.3

<sup>1</sup> Of the 19,786 cases, 230 were sentenced above the guideline range with *Booker*/18 U.S.C. § 3553. Of these, 220 cases had complete guideline application information. Furthermore, four cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

**ALL REMAINING ABOVE GUIDELINE RANGE CASES: DEGREE OF  
INCREASE FOR OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>Median Sentence in Months</b>	<b>Median Increase in Months From Guideline Maximum</b>	<b>Median Percent Increase From Guideline Maximum</b>
<b>TOTAL</b>	<b>13</b>	<b>50</b>	<b>6</b>	<b>23.7</b>
<b>Murder</b>	0	--	--	--
<b>Manslaughter</b>	1	--	--	--
<b>Kidnapping/Hostage Taking</b>	0	--	--	--
<b>Sexual Abuse</b>	0	--	--	--
<b>Assault</b>	0	--	--	--
<b>Robbery</b>	0	--	--	--
<b>Arson</b>	0	--	--	--
<b>Drugs - Trafficking</b>	4	102	15	19.4
<b>Drugs - Communication Facility</b>	0	--	--	--
<b>Drugs - Simple Possession</b>	0	--	--	--
<b>Firearms</b>	2	--	--	--
<b>Burglary/B&amp;E</b>	0	--	--	--
<b>Auto Theft</b>	0	--	--	--
<b>Larceny</b>	0	--	--	--
<b>Fraud</b>	1	--	--	--
<b>Embezzlement</b>	0	--	--	--
<b>Forgery/Counterfeiting</b>	0	--	--	--
<b>Bribery</b>	0	--	--	--
<b>Tax</b>	0	--	--	--
<b>Money Laundering</b>	0	--	--	--
<b>Racketeering/Extortion</b>	0	--	--	--
<b>Gambling/Lottery</b>	0	--	--	--
<b>Civil Rights</b>	0	--	--	--
<b>Immigration</b>	5	37	7	40.7
<b>Child Pornography</b>	0	--	--	--
<b>Prison Offenses</b>	0	--	--	--
<b>Administration of Justice Offenses</b>	0	--	--	--
<b>Environmental/Wildlife</b>	0	--	--	--
<b>National Defense</b>	0	--	--	--
<b>Antitrust</b>	0	--	--	--
<b>Food &amp; Drug</b>	0	--	--	--
<b>Other Miscellaneous Offenses</b>	0	--	--	--

<sup>1</sup> Of the 19,786 cases, 32 were otherwise sentenced above the guideline range. Of these, 23 cases had complete guideline application information. Furthermore, ten cases were excluded due to several logical criteria. Note that the information presented in this table does not include any time of alternative confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

Table 18

**OFFENDERS RECEIVING SENTENCING OPTIONS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	TOTAL	TOTAL RECEIVING IMPRISONMENT		Prison Only		Prison/Community Split Sentence <sup>2</sup>		TOTAL RECEIVING PROBATION		Probation and Confinement		Probation Only	
		N	%	N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>19,627</b>	<b>17,740</b>	<b>90.4</b>	<b>17,216</b>	<b>87.7</b>	<b>524</b>	<b>2.7</b>	<b>1,887</b>	<b>9.6</b>	<b>542</b>	<b>2.8</b>	<b>1,345</b>	<b>6.9</b>
Murder	20	20	100.0	20	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Manslaughter	15	15	100.0	15	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Kidnapping/Hostage Taking	11	11	100.0	11	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	103	102	99.0	100	97.1	2	1.9	1	1.0	0	0.0	1	1.0
Assault	153	135	88.2	121	79.1	14	9.2	18	11.8	1	0.7	17	11.1
Robbery	218	206	94.5	201	92.2	5	2.3	12	5.5	8	3.7	4	1.8
Arson	13	13	100.0	13	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Drugs - Trafficking	5,958	5,745	96.4	5,584	93.7	161	2.7	213	3.6	79	1.3	134	2.2
Drugs - Communication Facility	96	79	82.3	73	76.0	6	6.3	17	17.7	7	7.3	10	10.4
Drugs - Simple Possession	154	78	50.6	76	49.4	2	1.3	76	49.4	4	2.6	72	46.8
Firearms	1,811	1,729	95.5	1,679	92.7	50	2.8	82	4.5	29	1.6	53	2.9
Burglary/B&E	8	7	87.5	7	87.5	0	0.0	1	12.5	0	0.0	1	12.5
Auto Theft	15	13	86.7	11	73.3	2	13.3	2	13.3	2	13.3	0	0.0
Larceny	278	129	46.4	112	40.3	17	6.1	149	53.6	34	12.2	115	41.4
Fraud	1,895	1,441	76.0	1,317	69.5	124	6.5	454	24.0	173	9.1	281	14.8
Embezzlement	77	37	48.1	30	39.0	7	9.1	40	51.9	13	16.9	27	35.1
Forgery/Counterfeiting	215	154	71.6	146	67.9	8	3.7	61	28.4	26	12.1	35	16.3
Bribery	60	48	80.0	45	75.0	3	5.0	12	20.0	5	8.3	7	11.7
Tax	147	93	63.3	68	46.3	25	17.0	54	36.7	27	18.4	27	18.4
Money Laundering	177	146	82.5	141	79.7	5	2.8	31	17.5	13	7.3	18	10.2
Racketeering/Extortion	199	192	96.5	187	94.0	5	2.5	7	3.5	3	1.5	4	2.0
Gambling/Lottery	7	0	0.0	0	0.0	0	0.0	7	100.0	1	14.3	6	85.7
Civil Rights	11	8	72.7	8	72.7	0	0.0	3	27.3	1	9.1	2	18.2
Immigration	6,544	6,281	96.0	6,236	95.3	45	0.7	263	4.0	28	0.4	235	3.6
Child Pornography	453	451	99.6	444	98.0	7	1.5	2	0.4	0	0.0	2	0.4
Prison Offenses	108	104	96.3	100	92.6	4	3.7	4	3.7	0	0.0	4	3.7
Administration of Justice Offenses	296	236	79.7	224	75.7	12	4.1	60	20.3	19	6.4	41	13.9
Environmental/Wildlife	29	6	20.7	5	17.2	1	3.4	23	79.3	2	6.9	21	72.4
National Defense	23	23	100.0	21	91.3	2	8.7	0	0.0	0	0.0	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--	0	--
Food & Drug	15	8	53.3	8	53.3	0	0.0	7	46.7	2	13.3	5	33.3
Other Miscellaneous Offenses	518	230	44.4	213	41.1	17	3.3	288	55.6	65	12.5	223	43.1

<sup>1</sup> Of the 19,786 cases, 159 were excluded due to one or more of the following reasons: the offender received neither imprisonment nor probation (155), missing primary offense category (1), or missing sentencing information (4). Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> Prison/Community Split Sentence includes all cases in which offenders received prison and conditions of confinement as described in USSG §5C1.1.

Table 19

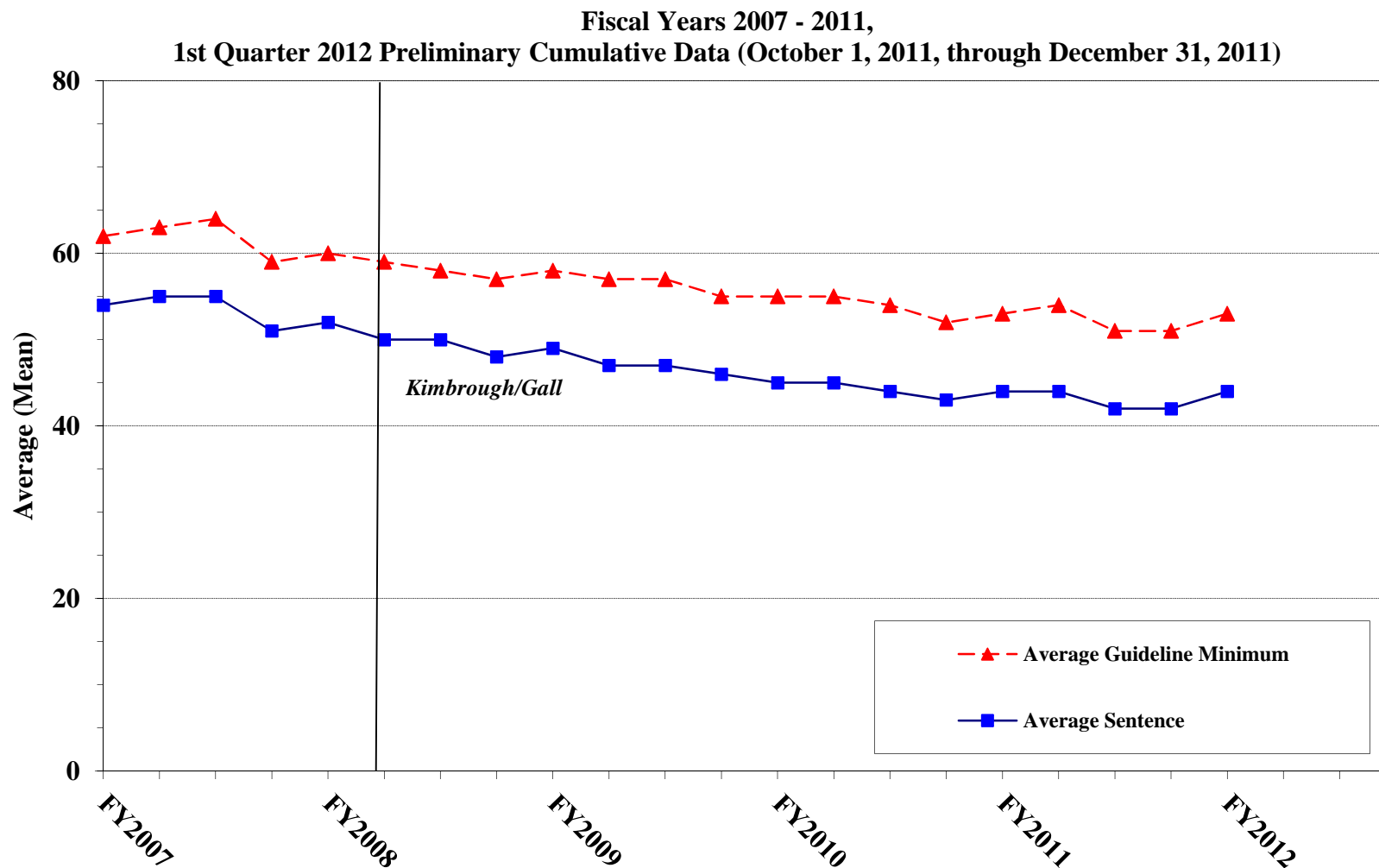
**SENTENCE LENGTH IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>Mean Months</b>	<b>Median Months</b>	<b>N</b>
<b>TOTAL</b>	<b>44</b>	<b>24</b>	<b>19,784</b>
<b>Murder</b>	224	178	20
<b>Manslaughter</b>	48	34	15
<b>Kidnapping/Hostage Taking</b>	266	210	11
<b>Sexual Abuse</b>	121	120	103
<b>Assault</b>	32	18	156
<b>Robbery</b>	74	57	218
<b>Arson</b>	84	60	13
<b>Drugs - Trafficking</b>	67	48	5,958
<b>Drugs - Communication Facility</b>	33	32	96
<b>Drugs - Simple Possession</b>	2	0	160
<b>Firearms</b>	81	57	1,811
<b>Burglary/B&amp;E</b>	17	21	8
<b>Auto Theft</b>	41	12	16
<b>Larceny</b>	8	2	298
<b>Fraud</b>	24	12	1,899
<b>Embezzlement</b>	9	6	79
<b>Forgery/Counterfeiting</b>	15	12	215
<b>Bribery</b>	19	18	60
<b>Tax</b>	16	12	147
<b>Money Laundering</b>	40	24	177
<b>Racketeering/Extortion</b>	95	60	199
<b>Gambling/Lottery</b>	1	0	7
<b>Civil Rights</b>	65	18	11
<b>Immigration</b>	17	10	6,549
<b>Child Pornography</b>	141	96	453
<b>Prison Offenses</b>	13	12	108
<b>Administration of Justice Offenses</b>	21	15	296
<b>Environmental/Wildlife</b>	2	0	35
<b>National Defense</b>	33	30	23
<b>Antitrust</b>	--	--	0
<b>Food &amp; Drug</b>	8	5	15
<b>Other Miscellaneous Offenses</b>	16	0	628

<sup>1</sup> Of the 19,786 cases, two were excluded due to one or both of the following reasons: missing primary offense (1) or missing or indeterminable sentencing information (2). Sentences of probation only are included in this table as zero months of imprisonment. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Descriptions of variables used in this table are provided in Appendix A.

Figure C

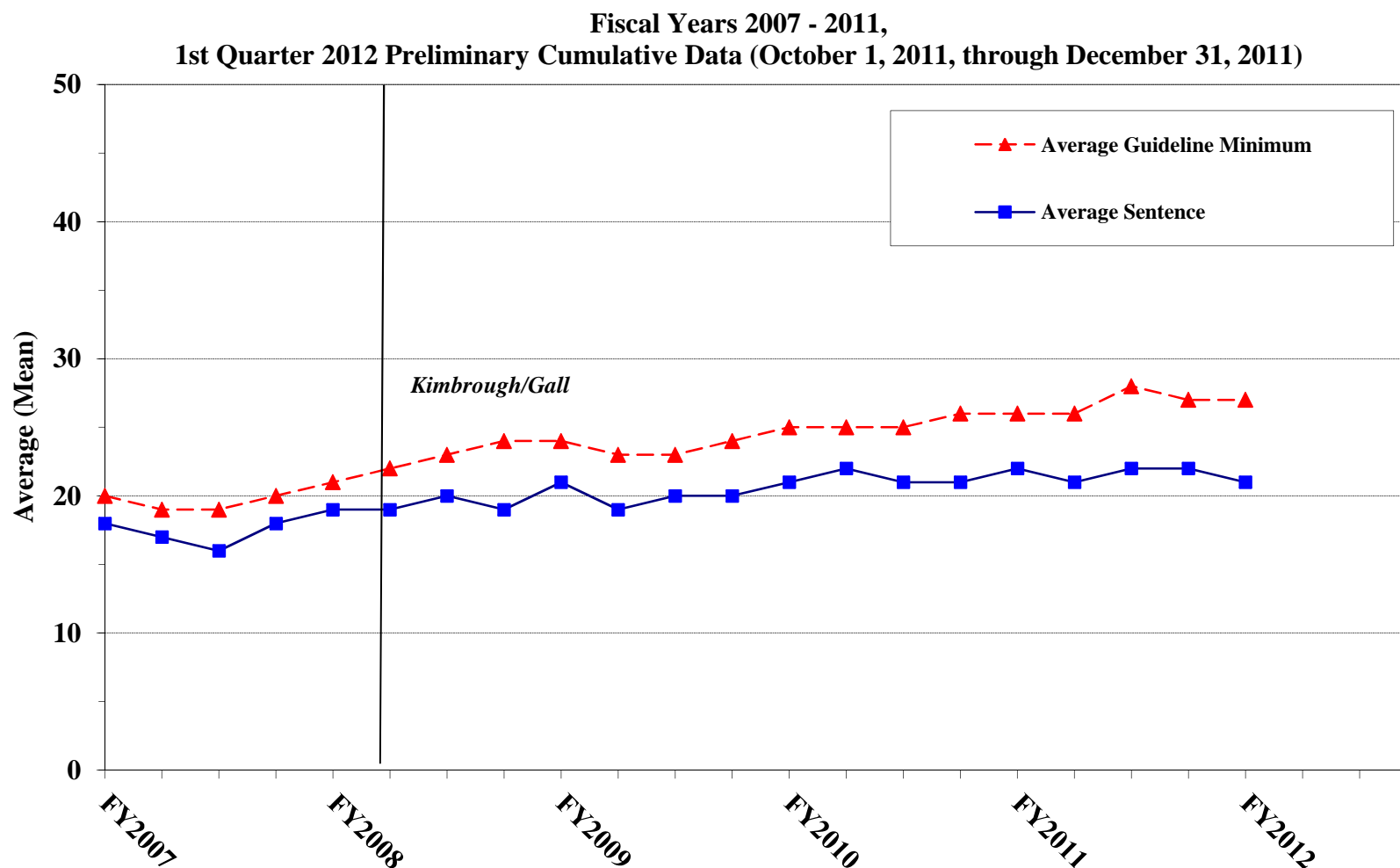
### AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR ALL CASES<sup>1</sup>



<sup>1</sup> Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure D

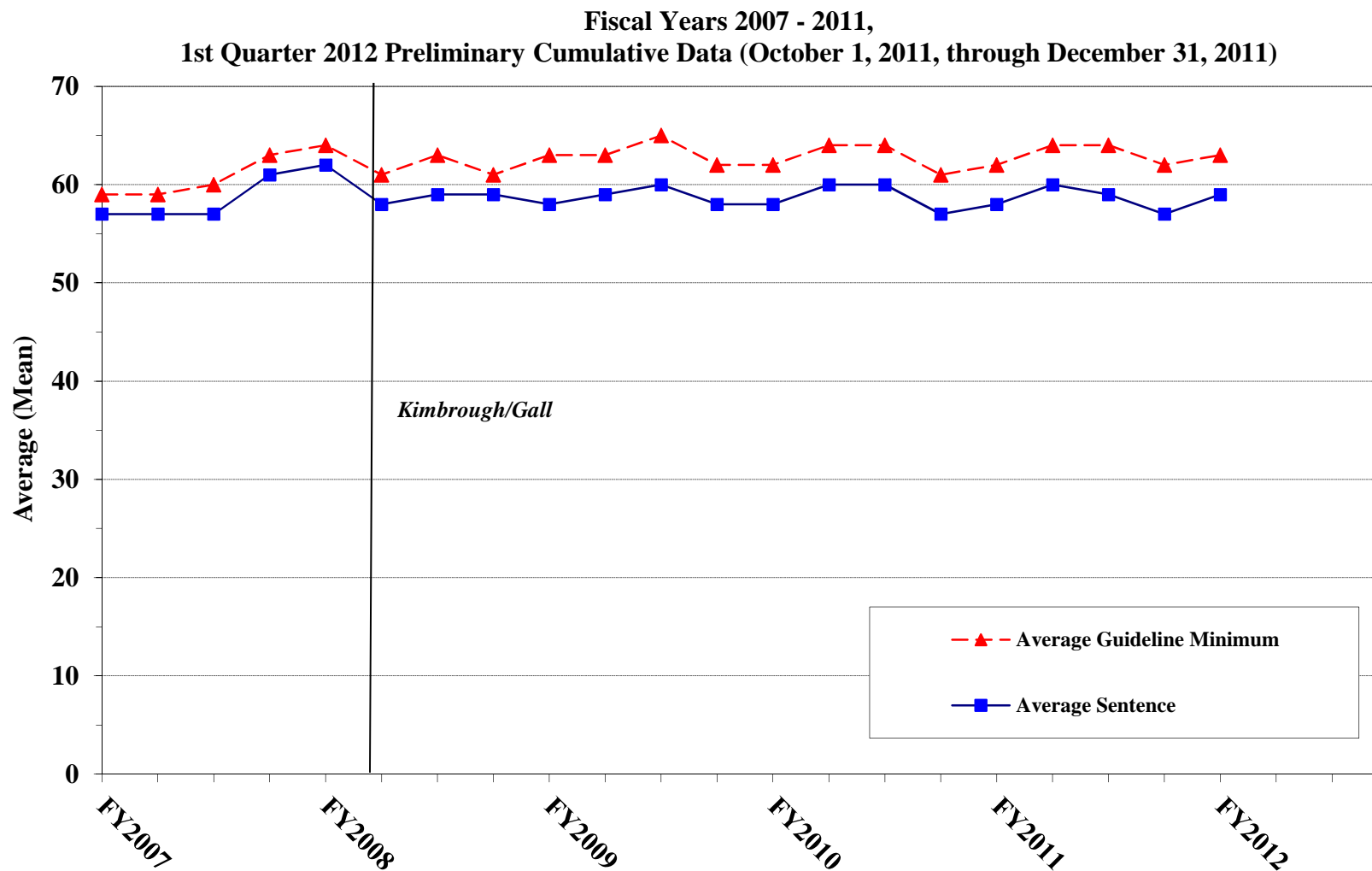
**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY  
DATA FOR §2B1.1 OFFENDERS (THEFT, PROPERTY DESTRUCTION, AND FRAUD)<sup>1</sup>**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2B1.1 (Larceny, Embezzlement, and Other Forms of Theft; Offenses Involving Stolen Property; Property Damage or Destruction; Fraud and Deceit; Forgery; Offenses Involving Altered or Counterfeit Instruments Other than Counterfeit Bearer Obligation of the United States). Additionally, cases with an amendment year prior to 2001 were excluded from this figure because prior to this time fraud cases were reported separately as USSG §2F1.1. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure E

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA  
FOR §2K2.1 OFFENDERS (UNLAWFUL POSSESSION OF OR TRANSACTION IN FIREARMS)<sup>1</sup>**



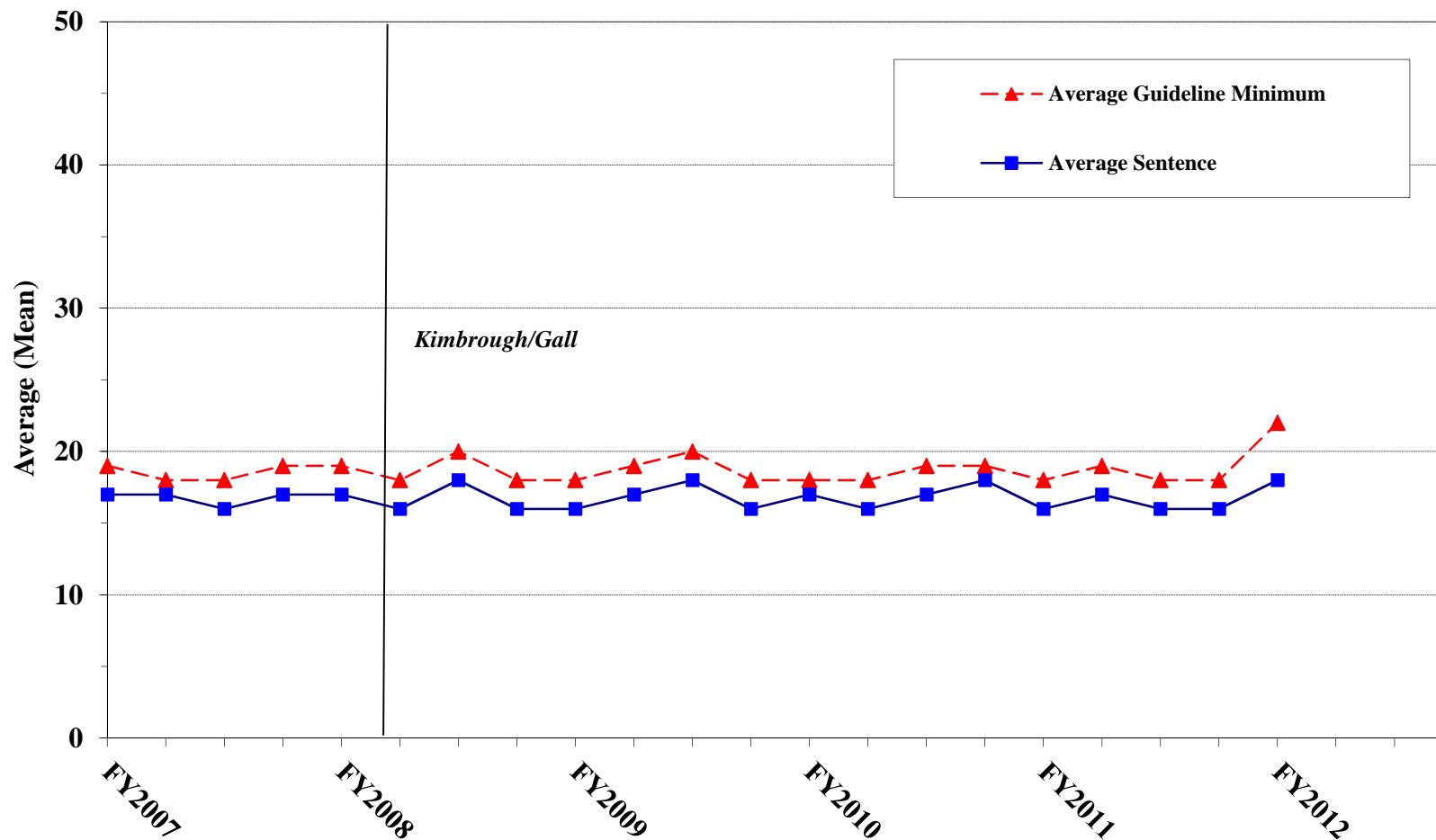
<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2K2.1 (Unlawful Receipt, Possession, or Transportation of Firearms or Ammunition; Prohibited Transactions Involving Firearms or Ammunition). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.



Figure F

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM  
QUARTERLY DATA FOR §2L1.1 OFFENDERS (ALIEN SMUGGLING)<sup>1</sup>**

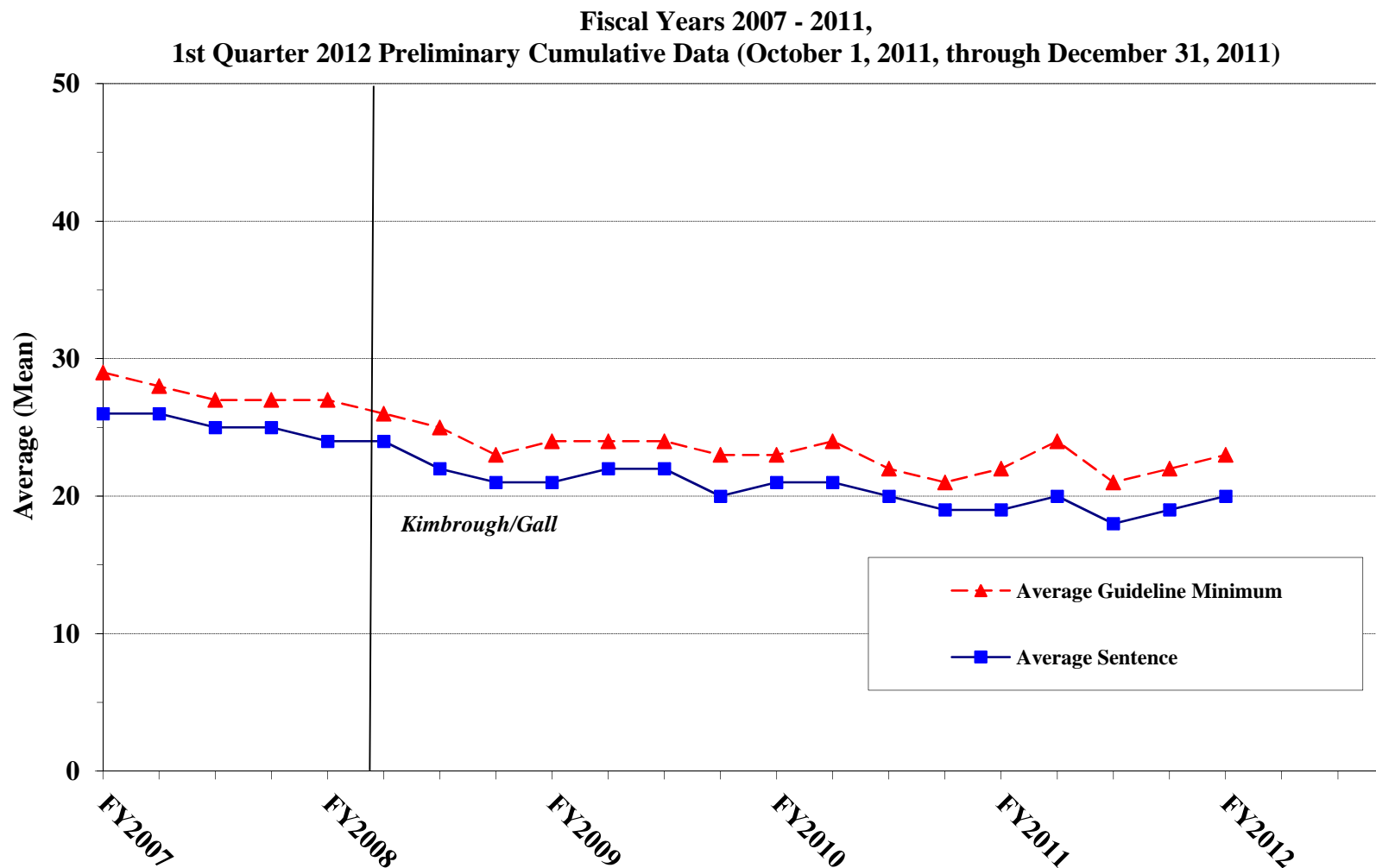
**Fiscal Years 2007 - 2011,  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.1 (Smuggling, Transporting, or Harboring an Unlawful Alien). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

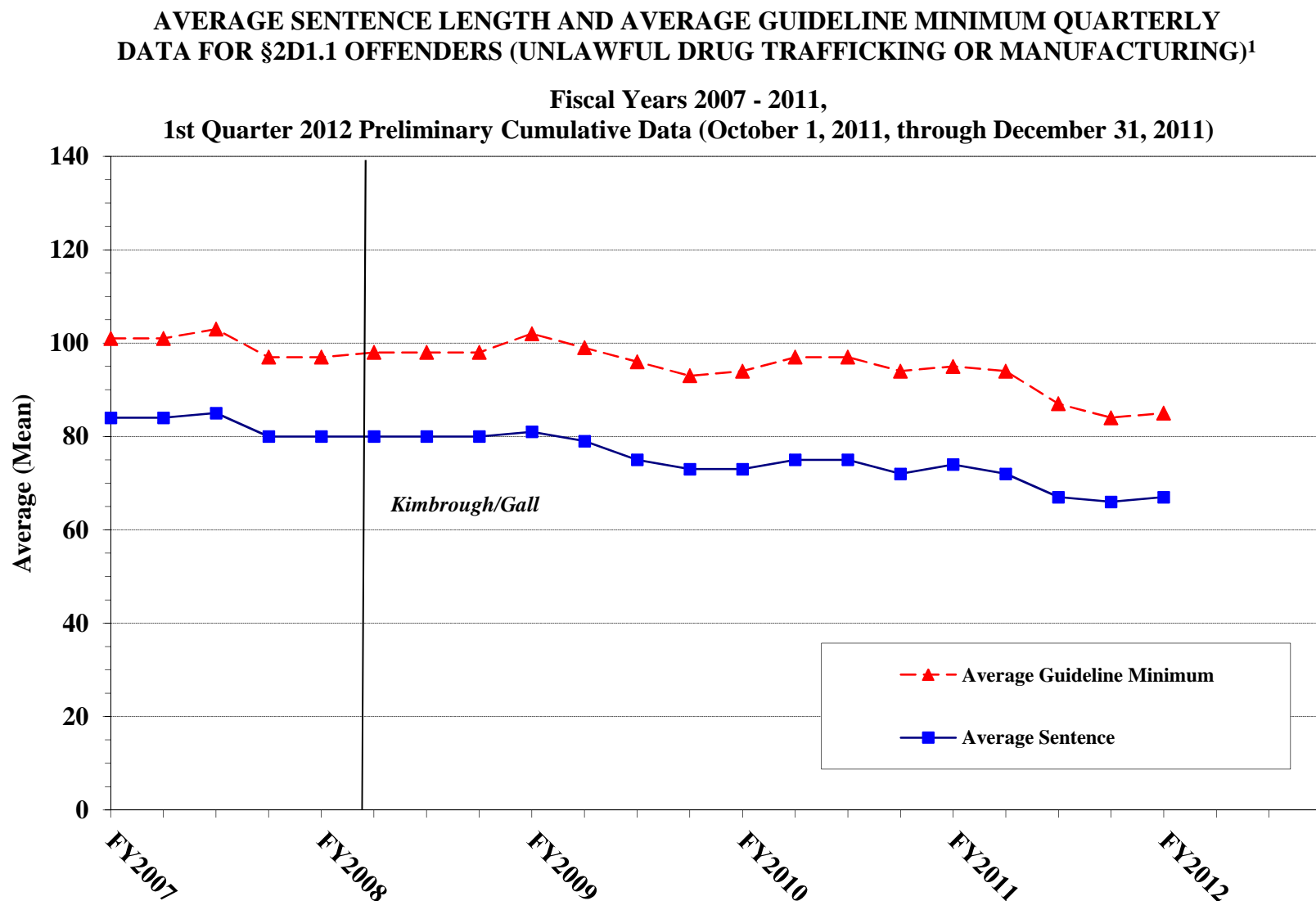
Figure G

**AVERAGE SENTENCE LENGTH AND AVERAGE GUIDELINE MINIMUM QUARTERLY DATA FOR  
§2L1.2 OFFENDERS (UNLAWFUL ENTERING OR REMAINING IN THE UNITED STATES)<sup>1</sup>**



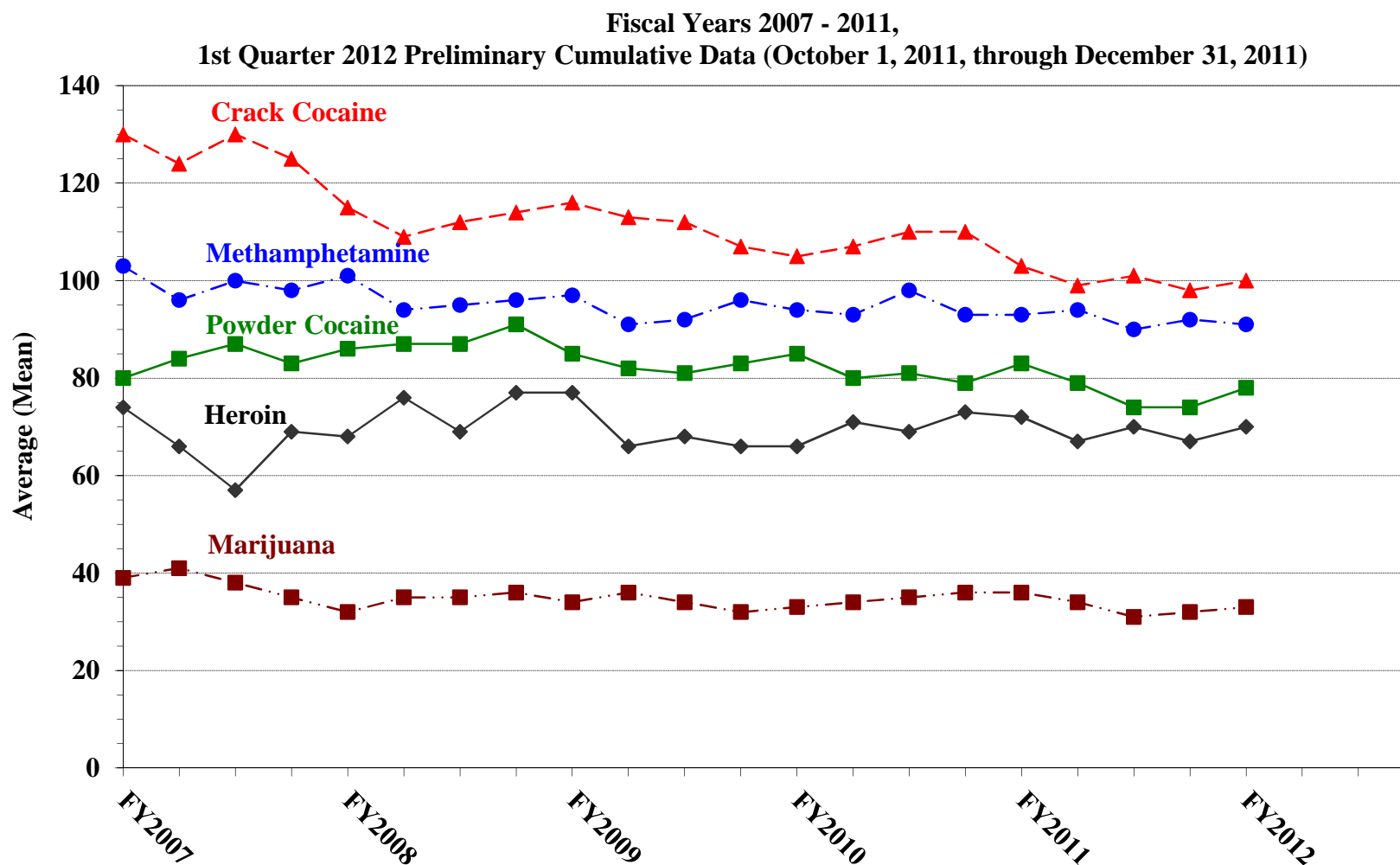
<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2L1.2. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure H



<sup>1</sup> Figure includes only cases with a primary sentencing guideline of USSG §2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy). Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

Figure I

AVERAGE SENTENCE LENGTH FOR EACH DRUG TYPE<sup>1</sup>

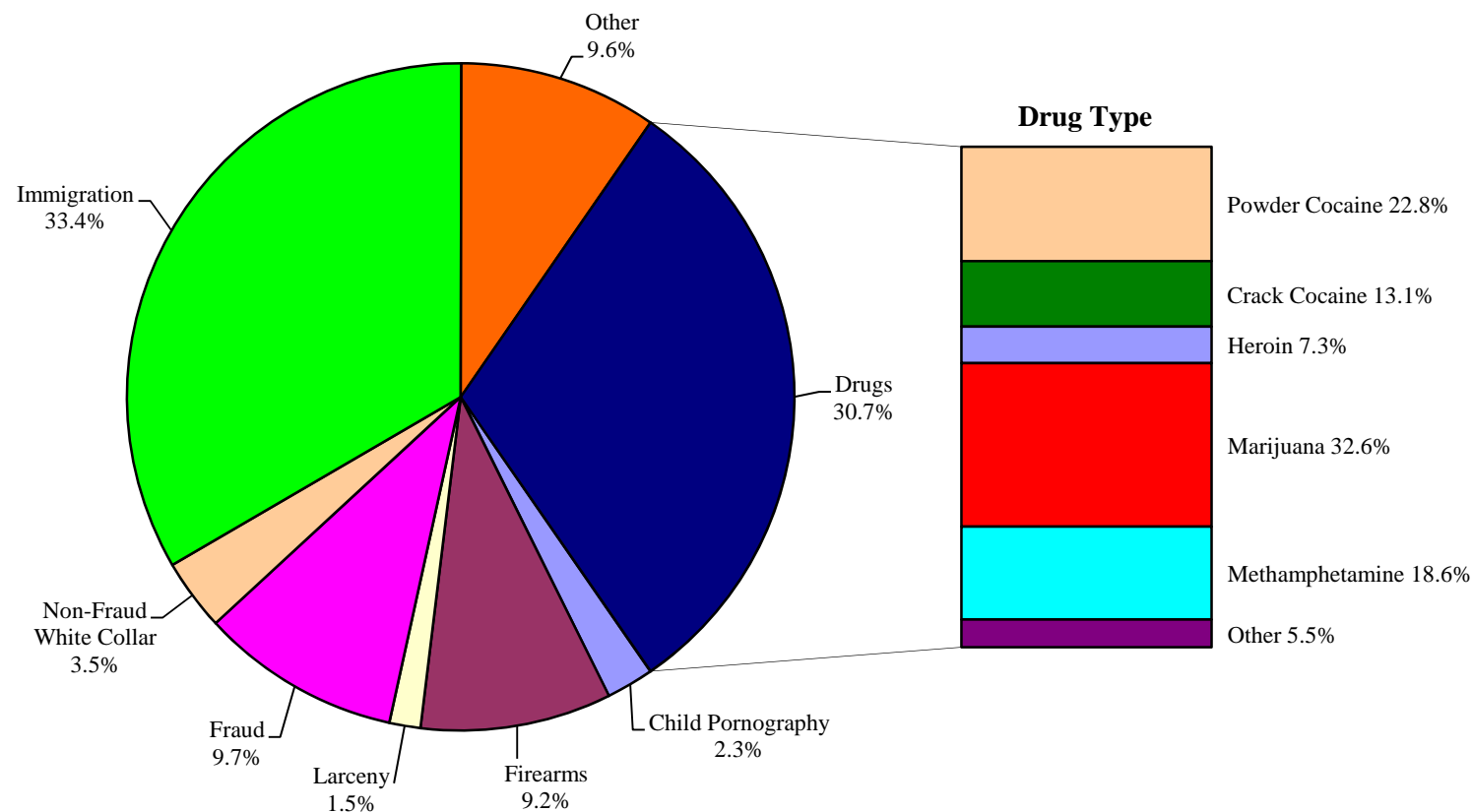
<sup>1</sup> Only cases sentenced under USSG §§2D1.1 (Drug Trafficking), 2D1.2 (Protected Locations), 2D1.5 (Continuing Criminal Enterprise), 2D1.6 (Use of Communication Facility), 2D1.8 (Rent/Manage Drug Establishment), or 2D2.1 (Simple Possession) are depicted in this figure. Cases with guideline minimums of life or probation were included in the guideline minimum average computations as 470 months and zero months, respectively. In turn, cases with sentences of 470 months or greater (including life) or probation were included in the sentence average computations as 470 months and zero months, respectively. In addition, the information presented in this table includes time of confinement as described in USSG §5C1.1. Guideline minimums account for applicable statutory mandatory penalties. Descriptions of variables used in this figure are provided in Appendix A.

**WITHIN RANGE CASES: POSITION OF SENTENCE FOR OFFENDERS  
IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	TOTAL	Guideline Minimum		Lower Half of Range		Midpoint of Range		Upper Half of Range		Guideline Maximum	
		N	%	N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>8,603</b>	<b>4,336</b>	<b>50.4</b>	<b>1,735</b>	<b>20.2</b>	<b>961</b>	<b>11.2</b>	<b>686</b>	<b>8.0</b>	<b>885</b>	<b>10.3</b>
Murder	7	1	14.3	2	28.6	0	0.0	1	14.3	3	42.9
Manslaughter	7	3	42.9	0	0.0	1	14.3	0	0.0	3	42.9
Kidnapping/Hostage Taking	2	2	100.0	0	0.0	0	0.0	0	0.0	0	0.0
Sexual Abuse	51	19	37.3	7	13.7	8	15.7	5	9.8	12	23.5
Assault	72	28	38.9	15	20.8	9	12.5	7	9.7	13	18.1
Robbery	112	51	45.5	20	17.9	11	9.8	16	14.3	14	12.5
Arson	5	3	60.0	0	0.0	0	0.0	1	20.0	1	20.0
Drugs - Trafficking	2,527	1,595	63.1	535	21.2	187	7.4	90	3.6	120	4.7
Drugs - Communication Facility	22	13	59.1	4	18.2	2	9.1	0	0.0	3	13.6
Drugs - Simple Possession	40	27	67.5	9	22.5	1	2.5	1	2.5	2	5.0
Firearms	937	509	54.3	141	15.0	94	10.0	59	6.3	134	14.3
Burglary/B&E	5	2	40.0	0	0.0	1	20.0	0	0.0	2	40.0
Auto Theft	10	2	20.0	3	30.0	0	0.0	2	20.0	3	30.0
Larceny	159	106	66.7	18	11.3	12	7.5	7	4.4	16	10.1
Fraud	755	413	54.7	113	15.0	64	8.5	53	7.0	112	14.8
Embezzlement	40	32	80.0	4	10.0	0	0.0	0	0.0	4	10.0
Forgery/Counterfeiting	135	80	59.3	15	11.1	13	9.6	10	7.4	17	12.6
Bribery	19	13	68.4	3	15.8	0	0.0	1	5.3	2	10.5
Tax	47	30	63.8	6	12.8	3	6.4	3	6.4	5	10.6
Money Laundering	60	40	66.7	7	11.7	4	6.7	1	1.7	8	13.3
Racketeering/Extortion	76	27	35.5	16	21.1	7	9.2	10	13.2	16	21.1
Gambling/Lottery	0	0	--	0	--	0	--	0	--	0	--
Civil Rights	4	3	75.0	1	25.0	0	0.0	0	0.0	0	0.0
Immigration	2,892	982	34.0	717	24.8	494	17.1	371	12.8	328	11.3
Child Pornography	137	82	59.9	18	13.1	12	8.8	14	10.2	11	8.0
Prison Offenses	83	31	37.3	24	28.9	12	14.5	6	7.2	10	12.0
Administration of Justice Offenses	167	96	57.5	22	13.2	14	8.4	10	6.0	25	15.0
Environmental/Wildlife	11	9	81.8	0	0.0	0	0.0	2	18.2	0	0.0
National Defense	7	5	71.4	1	14.3	0	0.0	1	14.3	0	0.0
Antitrust	0	0	--	0	--	0	--	0	--	0	--
Food & Drug	8	4	50.0	1	12.5	1	12.5	2	25.0	0	0.0
Other Miscellaneous Offenses	206	128	62.1	33	16.0	11	5.3	13	6.3	21	10.2

<sup>1</sup> Of the 19,786 cases, 10,473 were sentenced within the applicable guideline range. Of those, 9,123 cases had complete guideline application information. An additional 520 cases were excluded due to several logical criteria. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

**Figure J****OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>****1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<sup>1</sup> Of the 19,786 guideline cases, one was excluded due to missing primary offense category. An additional 191 of the 6,214 drug cases were excluded due to missing drug type. The Drug category includes the following offense types: trafficking, use of a communication facility, and simple possession. Descriptions of variables used in this figure are provided in Appendix A.

<sup>2</sup> The Non-Fraud White Collar category includes the following offense types: embezzlement, forgery/counterfeiting, bribery, money laundering, and tax.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

Table 21

**GUIDELINE OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

<b>PRIMARY OFFENSE</b>	<b>N</b>	<b>%</b>
<b>TOTAL</b>	<b>19,785</b>	<b>100.0</b>
<b>Murder</b>	20	0.1
<b>Manslaughter</b>	15	0.1
<b>Kidnapping/Hostage Taking</b>	11	0.1
<b>Sexual Abuse</b>	103	0.5
<b>Assault</b>	156	0.8
<b>Robbery</b>	218	1.1
<b>Arson</b>	13	0.1
<b>Drugs - Trafficking</b>	5,958	30.1
<b>Drugs - Communication Facility</b>	96	0.5
<b>Drugs - Simple Possession</b>	160	0.8
<b>Firearms</b>	1,811	9.2
<b>Burglary/B&amp;E</b>	8	0.0
<b>Auto Theft</b>	16	0.1
<b>Larceny</b>	298	1.5
<b>Fraud</b>	1,899	9.6
<b>Embezzlement</b>	79	0.4
<b>Forgery/Counterfeiting</b>	216	1.1
<b>Bribery</b>	60	0.3
<b>Tax</b>	147	0.7
<b>Money Laundering</b>	177	0.9
<b>Racketeering/Extortion</b>	199	1.0
<b>Gambling/Lottery</b>	7	0.0
<b>Civil Rights</b>	11	0.1
<b>Immigration</b>	6,549	33.1
<b>Child Pornography</b>	453	2.3
<b>Prison Offenses</b>	108	0.5
<b>Administration of Justice Offenses</b>	296	1.5
<b>Environmental/Wildlife</b>	35	0.2
<b>National Defense</b>	23	0.1
<b>Antitrust</b>	0	0.0
<b>Food &amp; Drug</b>	15	0.1
<b>Other Miscellaneous Offenses</b>	628	3.2

<sup>1</sup> Of the 19,786 cases, one was excluded due to missing information on primary offense category. Descriptions of variables used in this table are provided in Appendix A.

Table 22

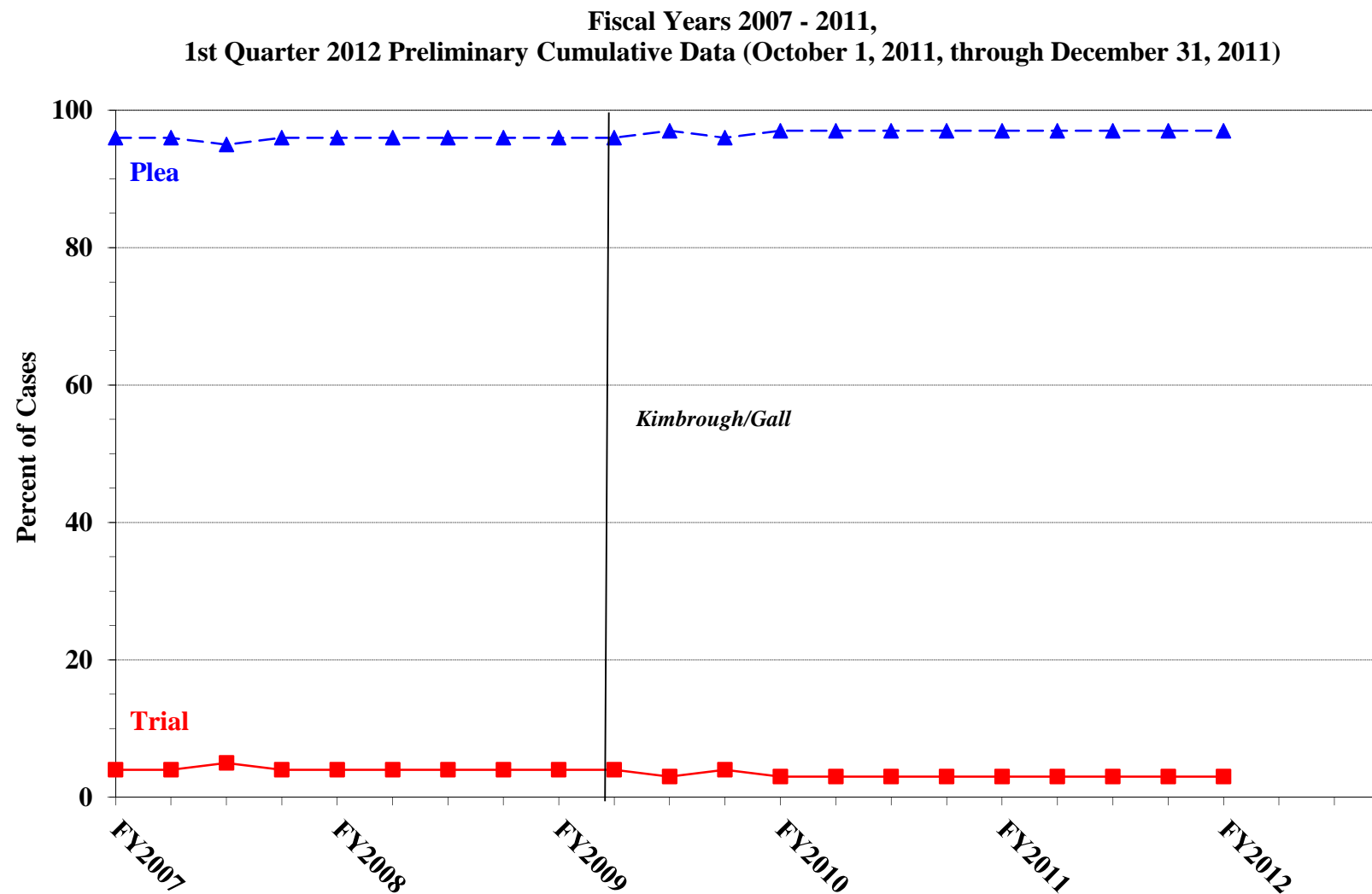
**GUILTY PLEAS AND TRIALS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	TOTAL	PLEA		TRIAL	
		N	%	N	%
<b>TOTAL</b>	<b>19,784</b>	<b>19,180</b>	<b>96.9</b>	<b>604</b>	<b>3.1</b>
<b>Murder</b>	<b>20</b>	16	80.0	4	20.0
<b>Manslaughter</b>	<b>15</b>	14	93.3	1	6.7
<b>Kidnapping/Hostage Taking</b>	<b>11</b>	10	90.9	1	9.1
<b>Sexual Abuse</b>	<b>103</b>	90	87.4	13	12.6
<b>Assault</b>	<b>156</b>	143	91.7	13	8.3
<b>Robbery</b>	<b>218</b>	210	96.3	8	3.7
<b>Arson</b>	<b>13</b>	11	84.6	2	15.4
<b>Drugs - Trafficking</b>	<b>5,958</b>	5,786	97.1	172	2.9
<b>Drugs - Communication Facility</b>	<b>96</b>	96	100.0	0	0.0
<b>Drugs - Simple Possession</b>	<b>160</b>	156	97.5	4	2.5
<b>Firearms</b>	<b>1,811</b>	1,698	93.8	113	6.2
<b>Burglary/B&amp;E</b>	<b>8</b>	7	87.5	1	12.5
<b>Auto Theft</b>	<b>16</b>	15	93.8	1	6.3
<b>Larceny</b>	<b>297</b>	294	99.0	3	1.0
<b>Fraud</b>	<b>1,899</b>	1,794	94.5	105	5.5
<b>Embezzlement</b>	<b>79</b>	76	96.2	3	3.8
<b>Forgery/Counterfeiting</b>	<b>216</b>	210	97.2	6	2.8
<b>Bribery</b>	<b>60</b>	55	91.7	5	8.3
<b>Tax</b>	<b>147</b>	140	95.2	7	4.8
<b>Money Laundering</b>	<b>177</b>	152	85.9	25	14.1
<b>Racketeering/Extortion</b>	<b>199</b>	187	94.0	12	6.0
<b>Gambling/Lottery</b>	<b>7</b>	7	100.0	0	0.0
<b>Civil Rights</b>	<b>11</b>	10	90.9	1	9.1
<b>Immigration</b>	<b>6,549</b>	6,507	99.4	42	0.6
<b>Child Pornography</b>	<b>453</b>	435	96.0	18	4.0
<b>Prison Offenses</b>	<b>108</b>	107	99.1	1	0.9
<b>Administration of Justice Offenses</b>	<b>296</b>	281	94.9	15	5.1
<b>Environmental/Wildlife</b>	<b>35</b>	33	94.3	2	5.7
<b>National Defense</b>	<b>23</b>	23	100.0	0	0.0
<b>Antitrust</b>	<b>0</b>	0	--	0	--
<b>Food &amp; Drug</b>	<b>15</b>	14	93.3	1	6.7
<b>Other Miscellaneous Offenses</b>	<b>628</b>	603	96.0	25	4.0

<sup>1</sup> Of the 19,786 cases, two were excluded due to one or both of the following reasons: missing primary offense category (1) or missing information on mode of conviction (2). Descriptions of variables used in this table are provided in Appendix A.



Figure K

QUARTERLY DATA FOR GUILTY PLEAS AND TRIALS<sup>1</sup>

<sup>1</sup> Descriptions of variables used in this figure are provided in Appendix A.

Table 23

**RACE OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	TOTAL	WHITE		BLACK		HISPANIC		OTHER	
		N	%	N	%	N	%	N	%
<b>TOTAL</b>	<b>17,923</b>	<b>4,755</b>	<b>26.5</b>	<b>3,549</b>	<b>19.8</b>	<b>8,933</b>	<b>49.8</b>	<b>686</b>	<b>3.8</b>
<b>Murder</b>	<b>20</b>	6	30.0	3	15.0	4	20.0	7	35.0
<b>Manslaughter</b>	<b>15</b>	1	6.7	0	0.0	2	13.3	12	80.0
<b>Kidnapping/Hostage Taking</b>	<b>10</b>	1	10.0	3	30.0	4	40.0	2	20.0
<b>Sexual Abuse</b>	<b>103</b>	44	42.7	15	14.6	7	6.8	37	35.9
<b>Assault</b>	<b>140</b>	32	22.9	17	12.1	20	14.3	71	50.7
<b>Robbery</b>	<b>215</b>	90	41.9	100	46.5	15	7.0	10	4.7
<b>Arson</b>	<b>13</b>	8	61.5	5	38.5	0	0.0	0	0.0
<b>Drugs - Trafficking</b>	<b>5,904</b>	1,505	25.5	1,406	23.8	2,843	48.2	150	2.5
<b>Drugs - Communication Facility</b>	<b>95</b>	28	29.5	34	35.8	28	29.5	5	5.3
<b>Drugs - Simple Possession</b>	<b>53</b>	27	50.9	16	30.2	10	18.9	0	0.0
<b>Firearms</b>	<b>1,799</b>	497	27.6	858	47.7	384	21.3	60	3.3
<b>Burglary/B&amp;E</b>	<b>8</b>	2	25.0	1	12.5	0	0.0	5	62.5
<b>Auto Theft</b>	<b>15</b>	5	33.3	3	20.0	7	46.7	0	0.0
<b>Larceny</b>	<b>246</b>	120	48.8	76	30.9	28	11.4	22	8.9
<b>Fraud</b>	<b>1,640</b>	735	44.8	499	30.4	291	17.7	115	7.0
<b>Embezzlement</b>	<b>75</b>	45	60.0	13	17.3	4	5.3	13	17.3
<b>Forgery/Counterfeiting</b>	<b>213</b>	89	41.8	89	41.8	28	13.1	7	3.3
<b>Bribery</b>	<b>59</b>	33	55.9	11	18.6	8	13.6	7	11.9
<b>Tax</b>	<b>146</b>	84	57.5	43	29.5	11	7.5	8	5.5
<b>Money Laundering</b>	<b>176</b>	56	31.8	28	15.9	82	46.6	10	5.7
<b>Racketeering/Extortion</b>	<b>199</b>	55	27.6	65	32.7	61	30.7	18	9.0
<b>Gambling/Lottery</b>	<b>7</b>	7	100.0	0	0.0	0	0.0	0	0.0
<b>Civil Rights</b>	<b>11</b>	5	45.5	3	27.3	2	18.2	1	9.1
<b>Immigration</b>	<b>5,498</b>	493	9.0	85	1.5	4,889	88.9	31	0.6
<b>Child Pornography</b>	<b>452</b>	402	88.9	12	2.7	30	6.6	8	1.8
<b>Prison Offenses</b>	<b>99</b>	23	23.2	34	34.3	31	31.3	11	11.1
<b>Administration of Justice Offenses</b>	<b>290</b>	138	47.6	67	23.1	56	19.3	29	10.0
<b>Environmental/Wildlife</b>	<b>26</b>	18	69.2	0	0.0	2	7.7	6	23.1
<b>National Defense</b>	<b>22</b>	11	50.0	0	0.0	9	40.9	2	9.1
<b>Antitrust</b>	<b>0</b>	0	--	0	--	0	--	0	--
<b>Food &amp; Drug</b>	<b>15</b>	11	73.3	0	0.0	4	26.7	0	0.0
<b>Other Miscellaneous Offenses</b>	<b>359</b>	184	51.3	63	17.5	73	20.3	39	10.9

<sup>1</sup> Of the 19,786 cases, 1,863 were excluded due to one or both of the following reasons: missing primary offense category (1) or missing information on offender's race (1,863). Descriptions of variables used in this table are provided in Appendix A.

Table 24

**GENDER OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	TOTAL	MALE		FEMALE	
		N	%	N	%
<b>TOTAL</b>	<b>19,015</b>	<b>16,681</b>	<b>87.7</b>	<b>2,334</b>	<b>12.3</b>
<b>Murder</b>	<b>20</b>	18	90.0	2	10.0
<b>Manslaughter</b>	<b>15</b>	12	80.0	3	20.0
<b>Kidnapping/Hostage Taking</b>	<b>11</b>	10	90.9	1	9.1
<b>Sexual Abuse</b>	<b>103</b>	97	94.2	6	5.8
<b>Assault</b>	<b>153</b>	131	85.6	22	14.4
<b>Robbery</b>	<b>218</b>	202	92.7	16	7.3
<b>Arson</b>	<b>13</b>	11	84.6	2	15.4
<b>Drugs - Trafficking</b>	<b>5,946</b>	5,222	87.8	724	12.2
<b>Drugs - Communication Facility</b>	<b>96</b>	79	82.3	17	17.7
<b>Drugs - Simple Possession</b>	<b>124</b>	93	75.0	31	25.0
<b>Firearms</b>	<b>1,807</b>	1,754	97.1	53	2.9
<b>Burglary/B&amp;E</b>	<b>8</b>	7	87.5	1	12.5
<b>Auto Theft</b>	<b>16</b>	16	100.0	0	0.0
<b>Larceny</b>	<b>267</b>	178	66.7	89	33.3
<b>Fraud</b>	<b>1,869</b>	1,279	68.4	590	31.6
<b>Embezzlement</b>	<b>77</b>	30	39.0	47	61.0
<b>Forgery/Counterfeiting</b>	<b>215</b>	167	77.7	48	22.3
<b>Bribery</b>	<b>60</b>	49	81.7	11	18.3
<b>Tax</b>	<b>147</b>	107	72.8	40	27.2
<b>Money Laundering</b>	<b>176</b>	133	75.6	43	24.4
<b>Racketeering/Extortion</b>	<b>199</b>	190	95.5	9	4.5
<b>Gambling/Lottery</b>	<b>7</b>	6	85.7	1	14.3
<b>Civil Rights</b>	<b>11</b>	10	90.9	1	9.1
<b>Immigration</b>	<b>6,025</b>	5,637	93.6	388	6.4
<b>Child Pornography</b>	<b>453</b>	447	98.7	6	1.3
<b>Prison Offenses</b>	<b>106</b>	97	91.5	9	8.5
<b>Administration of Justice Offenses</b>	<b>295</b>	242	82.0	53	18.0
<b>Environmental/Wildlife</b>	<b>33</b>	31	93.9	2	6.1
<b>National Defense</b>	<b>22</b>	18	81.8	4	18.2
<b>Antitrust</b>	<b>0</b>	0	--	0	--
<b>Food &amp; Drug</b>	<b>15</b>	12	80.0	3	20.0
<b>Other Miscellaneous Offenses</b>	<b>508</b>	396	78.0	112	22.0

<sup>1</sup> Of the 19,786 cases, 771 were excluded due to one or both of the following reasons: missing primary offense category (1) or missing information on offender's gender (770). Descriptions of variables used in this table are provided in Appendix A.

Table 25

**AGE, RACE, AND GENDER OF OFFENDERS<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

Gender and Age	White		Black		Hispanic		Other	
	N	%	N	%	N	%	N	%
<b>Males</b>	<b>3,932</b>	<b>100.0</b>	<b>3,102</b>	<b>100.0</b>	<b>8,232</b>	<b>100.0</b>	<b>546</b>	<b>100.0</b>
<b>Under 21</b>	106	2.7	80	2.6	328	4.0	18	3.3
<b>21 - 25</b>	398	10.1	509	16.4	1,268	15.4	98	17.9
<b>26 - 30</b>	569	14.5	607	19.6	1,626	19.8	103	18.9
<b>31 - 35</b>	592	15.1	676	21.8	1,682	20.4	87	15.9
<b>36 - 40</b>	512	13.0	457	14.7	1,370	16.6	72	13.2
<b>41 - 50</b>	935	23.8	524	16.9	1,483	18.0	103	18.9
<b>Over 50</b>	820	20.9	249	8.0	475	5.8	65	11.9
<b>Females</b>	<b>819</b>	<b>100.0</b>	<b>442</b>	<b>100.0</b>	<b>692</b>	<b>100.0</b>	<b>138</b>	<b>100.0</b>
<b>Under 21</b>	29	3.5	5	1.1	31	4.5	1	0.7
<b>21 - 25</b>	102	12.5	60	13.6	119	17.2	18	13.0
<b>26 - 30</b>	133	16.2	82	18.6	126	18.2	15	10.9
<b>31 - 35</b>	113	13.8	85	19.2	140	20.2	29	21.0
<b>36 - 40</b>	108	13.2	54	12.2	93	13.4	21	15.2
<b>41 - 50</b>	183	22.3	97	21.9	120	17.3	33	23.9
<b>Over 50</b>	151	18.4	59	13.3	63	9.1	21	15.2

<sup>1</sup> Of the 19,786 cases, 1,883 were excluded due to one or more of the following reasons: missing information on offender's race (1,863), missing information on offender's gender (770), or missing information on offender's age (73). Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

Table 26

**CITIZENSHIP OF OFFENDERS IN EACH PRIMARY OFFENSE CATEGORY<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

PRIMARY OFFENSE	TOTAL	U.S. CITIZEN		NON-U.S. CITIZEN	
		N	%	N	%
<b>TOTAL</b>	<b>19,268</b>	<b>10,099</b>	<b>52.4</b>	<b>9,169</b>	<b>47.6</b>
<b>Murder</b>	<b>20</b>	20	100.0	0	0.0
<b>Manslaughter</b>	<b>15</b>	15	100.0	0	0.0
<b>Kidnapping/Hostage Taking</b>	<b>10</b>	5	50.0	5	50.0
<b>Sexual Abuse</b>	<b>103</b>	99	96.1	4	3.9
<b>Assault</b>	<b>147</b>	131	89.1	16	10.9
<b>Robbery</b>	<b>216</b>	208	96.3	8	3.7
<b>Arson</b>	<b>13</b>	12	92.3	1	7.7
<b>Drugs - Trafficking</b>	<b>5,926</b>	3,980	67.2	1,946	32.8
<b>Drugs - Communication Facility</b>	<b>95</b>	75	78.9	20	21.1
<b>Drugs - Simple Possession</b>	<b>91</b>	64	70.3	27	29.7
<b>Firearms</b>	<b>1,805</b>	1,653	91.6	152	8.4
<b>Burglary/B&amp;E</b>	<b>8</b>	8	100.0	0	0.0
<b>Auto Theft</b>	<b>15</b>	14	93.3	1	6.7
<b>Larceny</b>	<b>253</b>	237	93.7	16	6.3
<b>Fraud</b>	<b>1,844</b>	1,358	73.6	486	26.4
<b>Embezzlement</b>	<b>73</b>	71	97.3	2	2.7
<b>Forgery/Counterfeiting</b>	<b>215</b>	190	88.4	25	11.6
<b>Bribery</b>	<b>60</b>	55	91.7	5	8.3
<b>Tax</b>	<b>146</b>	134	91.8	12	8.2
<b>Money Laundering</b>	<b>177</b>	124	70.1	53	29.9
<b>Racketeering/Extortion</b>	<b>199</b>	159	79.9	40	20.1
<b>Gambling/Lottery</b>	<b>7</b>	7	100.0	0	0.0
<b>Civil Rights</b>	<b>11</b>	9	81.8	2	18.2
<b>Immigration</b>	<b>6,494</b>	300	4.6	6,194	95.4
<b>Child Pornography</b>	<b>453</b>	441	97.4	12	2.6
<b>Prison Offenses</b>	<b>100</b>	92	92.0	8	8.0
<b>Administration of Justice Offenses</b>	<b>293</b>	256	87.4	37	12.6
<b>Environmental/Wildlife</b>	<b>29</b>	28	96.6	1	3.4
<b>National Defense</b>	<b>22</b>	13	59.1	9	40.9
<b>Antitrust</b>	<b>0</b>	0	--	0	--
<b>Food &amp; Drug</b>	<b>15</b>	14	93.3	1	6.7
<b>Other Miscellaneous Offenses</b>	<b>413</b>	327	79.2	86	20.8

<sup>1</sup> Of the 19,786 cases, 518 were excluded due to one or both of the following reasons: missing primary offense category (1) or missing information on the offender's citizenship status (518). Descriptions of variables used in this table are provided in Appendix A.

Table 27

**DOCUMENT SUBMISSION BY EACH CIRCUIT AND DISTRICT<sup>1</sup>**  
**1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received N	Received N	Received N	Received N	No Written Plea/Trial N	Received N	Received N	Waived N
<b>TOTAL</b>	<b>19,786</b>	<b>91,726</b>	<b>19,784</b>	<b>19,537</b>	<b>14,537</b>	<b>5,190</b>	<b>19,749</b>	<b>18,119</b>	<b>1,666</b>
<b>D.C. CIRCUIT</b>	<b>111</b>	<b>544</b>	<b>111</b>	<b>110</b>	<b>103</b>	<b>8</b>	<b>111</b>	<b>109</b>	<b>2</b>
District of Columbia	111	544	111	110	103	8	111	109	2
<b>FIRST CIRCUIT</b>	<b>576</b>	<b>2,678</b>	<b>576</b>	<b>572</b>	<b>423</b>	<b>148</b>	<b>574</b>	<b>533</b>	<b>43</b>
Maine	47	210	47	47	22	25	47	47	0
Massachusetts	121	514	121	120	32	88	121	120	1
New Hampshire	44	218	44	44	42	2	44	44	0
Puerto Rico	318	1,525	318	316	298	16	316	277	41
Rhode Island	46	211	46	45	29	17	46	45	1
<b>SECOND CIRCUIT</b>	<b>859</b>	<b>4,062</b>	<b>859</b>	<b>858</b>	<b>666</b>	<b>191</b>	<b>859</b>	<b>820</b>	<b>39</b>
Connecticut	80	393	80	80	73	7	80	80	0
New York									
Eastern	259	1,259	259	259	224	35	259	258	1
Northern	147	649	147	146	87	60	147	122	25
Southern	157	713	157	157	85	71	157	157	0
Western	163	796	163	163	153	10	163	154	9
Vermont	53	252	53	53	44	8	53	49	4
<b>THIRD CIRCUIT</b>	<b>677</b>	<b>3,182</b>	<b>677</b>	<b>675</b>	<b>500</b>	<b>177</b>	<b>670</b>	<b>660</b>	<b>17</b>
Delaware	13	61	13	13	9	4	13	13	0
New Jersey	200	969	200	199	176	24	196	198	2
Pennsylvania									
Eastern	187	874	187	187	127	60	187	186	1
Middle	125	604	125	125	104	21	125	125	0
Western	132	584	132	131	73	59	130	118	14
Virgin Islands	20	90	20	20	11	9	19	20	0
<b>FOURTH CIRCUIT</b>	<b>1,547</b>	<b>7,065</b>	<b>1,547</b>	<b>1,514</b>	<b>1,120</b>	<b>421</b>	<b>1,542</b>	<b>1,342</b>	<b>205</b>
Maryland	221	1,065	221	217	196	25	220	211	10
North Carolina									
Eastern	206	938	206	194	150	56	206	182	24
Middle	78	385	78	78	73	5	78	78	0
Western	96	447	96	96	63	33	96	96	0
South Carolina	232	1,080	232	232	152	80	232	232	0
Virginia									
Eastern	441	1,811	441	426	233	203	437	274	167
Western	76	372	76	76	69	7	76	75	1
West Virginia									
Northern	99	490	99	99	95	3	99	98	1
Southern	98	477	98	96	89	9	98	96	2

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
<b>FIFTH CIRCUIT</b>	<b>4,615</b>	<b>20,214</b>	<b>4,615</b>	<b>4,497</b>	<b>2,336</b>	<b>2,260</b>	<b>4,609</b>	<b>4,157</b>	<b>458</b>
Louisiana									
Eastern	<b>84</b>	394	84	84	58	25	84	84	0
Middle	<b>51</b>	238	51	51	34	17	51	51	0
Western	<b>107</b>	509	107	101	91	16	107	103	4
Mississippi									
Northern	<b>41</b>	198	41	41	35	6	41	40	1
Southern	<b>77</b>	372	77	76	66	11	77	76	1
Texas									
Eastern	<b>119</b>	588	119	119	113	6	119	118	1
Northern	<b>197</b>	928	197	197	140	57	197	197	0
Southern	<b>1,637</b>	7,577	1,637	1,633	1,066	562	1,634	1,607	30
Western	<b>2,302</b>	9,410	2,302	2,195	733	1,560	2,299	1,881	421
<b>SIXTH CIRCUIT</b>	<b>1,329</b>	<b>6,334</b>	<b>1,329</b>	<b>1,320</b>	<b>1,073</b>	<b>250</b>	<b>1,325</b>	<b>1,287</b>	<b>42</b>
Kentucky									
Eastern	<b>101</b>	497	101	101	94	6	101	100	1
Western	<b>114</b>	510	114	114	82	32	114	86	28
Michigan									
Eastern	<b>204</b>	979	204	203	165	38	204	203	1
Western	<b>114</b>	531	114	114	78	36	113	112	2
Ohio									
Northern	<b>222</b>	1,054	222	221	168	54	221	222	0
Southern	<b>157</b>	777	157	156	151	6	157	156	1
Tennessee									
Eastern	<b>212</b>	1,022	212	211	177	35	211	211	1
Middle	<b>68</b>	317	68	63	55	9	67	64	4
Western	<b>137</b>	647	137	137	103	34	137	133	4
<b>SEVENTH CIRCUIT</b>	<b>749</b>	<b>3,621</b>	<b>749</b>	<b>746</b>	<b>631</b>	<b>115</b>	<b>749</b>	<b>746</b>	<b>3</b>
Illinois									
Central	<b>91</b>	420	91	91	56	35	91	91	0
Northern	<b>205</b>	987	205	205	167	37	205	205	0
Southern	<b>91</b>	434	91	91	71	20	91	90	1
Indiana									
Northern	<b>111</b>	541	111	108	100	10	111	111	0
Southern	<b>96</b>	471	96	96	87	8	96	96	0
Wisconsin									
Eastern	<b>120</b>	597	120	120	119	1	120	118	2
Western	<b>35</b>	171	35	35	31	4	35	35	0
<b>EIGHTH CIRCUIT</b>	<b>1,144</b>	<b>5,460</b>	<b>1,144</b>	<b>1,137</b>	<b>897</b>	<b>243</b>	<b>1,143</b>	<b>1,139</b>	<b>5</b>
Arkansas									
Eastern	<b>73</b>	347	73	73	56	16	73	72	1
Western	<b>93</b>	460	93	93	90	3	92	92	1
Iowa									
Northern	<b>110</b>	499	110	110	59	50	110	110	0
Southern	<b>100</b>	475	100	100	75	25	100	100	0
Minnesota	<b>102</b>	499	102	102	91	11	102	102	0
Missouri									
Eastern	<b>183</b>	912	183	182	181	2	183	183	0
Western	<b>166</b>	751	166	162	94	72	166	163	3
Nebraska	<b>129</b>	614	129	129	98	30	129	129	0
North Dakota	<b>73</b>	338	73	71	48	24	73	73	0
South Dakota	<b>115</b>	565	115	115	105	10	115	115	0

Table 27 (cont.)

CIRCUIT District	Number of Cases	Total Documents	J & C	Statement of Reasons	Plea Agreement <sup>2</sup>		Indictment/ Information	Presentence Report	
		Received	Received	Received	Received	No Written Plea/Trial	Received	Received	Waived
		N	N	N	N	N	N	N	N
<b>NINTH CIRCUIT</b>	<b>5,306</b>	<b>25,271</b>	<b>5,304</b>	<b>5,260</b>	<b>4,846</b>	<b>453</b>	<b>5,296</b>	<b>4,565</b>	<b>740</b>
Alaska	55	261	55	55	43	12	54	54	1
Arizona	2,284	11,024	2,284	2,249	2,115	165	2,281	2,095	189
California									
Central	418	2,039	416	416	385	32	415	407	10
Eastern	235	1,146	235	234	207	28	235	235	0
Northern	155	734	155	154	127	27	155	143	12
Southern	1,391	6,392	1,391	1,388	1,327	64	1,391	895	496
Guam	14	68	14	14	13	1	14	13	1
Hawaii	49	222	49	49	26	23	49	49	0
Idaho	56	271	56	55	48	8	56	56	0
Montana	99	469	99	99	73	26	99	99	0
Nevada	154	725	154	153	112	41	153	153	1
Northern Mariana Islands	7	33	7	7	6	1	7	6	1
Oregon	162	782	162	160	156	6	160	144	18
Washington									
Eastern	88	424	88	88	76	12	88	84	4
Western	139	681	139	139	132	7	139	132	7
<b>TENTH CIRCUIT</b>	<b>1,332</b>	<b>6,170</b>	<b>1,332</b>	<b>1,329</b>	<b>898</b>	<b>431</b>	<b>1,332</b>	<b>1,279</b>	<b>53</b>
Colorado	125	615	125	124	120	5	125	121	4
Kansas	140	669	140	138	117	23	140	134	6
New Mexico	628	2,872	628	628	364	264	628	624	4
Oklahoma									
Eastern	15	72	15	15	12	3	15	15	0
Northern	59	273	59	59	37	22	59	59	0
Western	132	563	132	132	59	71	132	108	24
Utah	176	845	176	176	154	21	176	163	13
Wyoming	57	261	57	57	35	22	57	55	2
<b>ELEVENTH CIRCUIT</b>	<b>1,541</b>	<b>7,125</b>	<b>1,541</b>	<b>1,519</b>	<b>1,044</b>	<b>493</b>	<b>1,539</b>	<b>1,482</b>	<b>59</b>
Alabama									
Middle	39	189	39	38	35	4	39	38	1
Northern	115	542	115	115	82	32	115	115	0
Southern	97	463	97	97	75	22	97	97	0
Florida									
Middle	375	1,723	375	374	225	149	375	374	1
Northern	58	270	58	58	39	19	58	57	1
Southern	424	1,986	424	420	295	129	423	424	0
Georgia									
Middle	108	490	108	108	66	42	108	100	8
Northern	174	795	174	158	132	41	173	158	16
Southern	151	667	151	151	95	55	151	119	32

<sup>1</sup> Descriptions of variables used in this table are provided in Appendix A.

<sup>2</sup> The figures presented in this table regarding Plea Agreement Submission exclude from the analysis five cases for which the Commission was unable to determine definitively whether the defendant's guilty plea was entered pursuant to a written plea agreement.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).



Table 28

**RATE OF SUBMISSION OF STATEMENT OF REASONS FORM  
BY EACH CIRCUIT AND DISTRICT  
1st Quarter 2012 Preliminary Cumulative Data (October 1, 2011, through December 31, 2011)**

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>TOTAL</b>	<b>19,786</b>	<b>18,448</b>	<b>93.2</b>	<b>1,096</b>	<b>5.5</b>	<b>242</b>	<b>1.2</b>
<b>D.C. CIRCUIT</b>	<b>111</b>	<b>111</b>	<b>100.0</b>	<b>0</b>	<b>0.0</b>	<b>0</b>	<b>0.0</b>
District of Columbia	111	111	100.0	0	0.0	0	0.0
<b>FIRST CIRCUIT</b>	<b>576</b>	<b>572</b>	<b>99.3</b>	<b>0</b>	<b>0.0</b>	<b>4</b>	<b>0.7</b>
Maine	47	47	100.0	0	0.0	0	0.0
Massachusetts	121	120	99.2	0	0.0	1	0.8
New Hampshire	44	44	100.0	0	0.0	0	0.0
Puerto Rico	318	316	99.4	0	0.0	2	0.6
Rhode Island	46	45	97.8	0	0.0	1	2.2
<b>SECOND CIRCUIT</b>	<b>859</b>	<b>841</b>	<b>97.9</b>	<b>17</b>	<b>2.0</b>	<b>1</b>	<b>0.1</b>
Connecticut	80	79	98.8	1	1.3	0	0.0
New York							
Eastern	259	245	94.6	14	5.4	0	0.0
Northern	147	146	99.3	0	0.0	1	0.7
Southern	157	157	100.0	0	0.0	0	0.0
Western	163	163	100.0	0	0.0	0	0.0
Vermont	53	51	96.2	2	3.8	0	0.0
<b>THIRD CIRCUIT</b>	<b>677</b>	<b>674</b>	<b>99.6</b>	<b>1</b>	<b>0.1</b>	<b>2</b>	<b>0.3</b>
Delaware	13	13	100.0	0	0.0	0	0.0
New Jersey	200	199	99.5	0	0.0	1	0.5
Pennsylvania							
Eastern	187	187	100.0	0	0.0	0	0.0
Middle	125	125	100.0	0	0.0	0	0.0
Western	132	130	98.5	1	0.8	1	0.8
Virgin Islands	20	20	100.0	0	0.0	0	0.0
<b>FOURTH CIRCUIT</b>	<b>1,547</b>	<b>1,494</b>	<b>96.6</b>	<b>20</b>	<b>1.3</b>	<b>33</b>	<b>2.1</b>
Maryland	221	217	98.2	0	0.0	4	1.8
North Carolina							
Eastern	206	194	94.2	0	0.0	12	5.8
Middle	78	78	100.0	0	0.0	0	0.0
Western	96	96	100.0	0	0.0	0	0.0
South Carolina	232	232	100.0	0	0.0	0	0.0
Virginia							
Eastern	441	406	92.1	20	4.5	15	3.4
Western	76	76	100.0	0	0.0	0	0.0
West Virginia							
Northern	99	99	100.0	0	0.0	0	0.0
Southern	98	96	98.0	0	0.0	2	2.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>FIFTH CIRCUIT</b>	<b>4,615</b>	<b>3,681</b>	<b>79.8</b>	<b>816</b>	<b>17.7</b>	<b>118</b>	<b>2.6</b>
Louisiana							
Eastern	84	84	100.0	0	0.0	0	0.0
Middle	51	51	100.0	0	0.0	0	0.0
Western	107	82	76.6	19	17.8	6	5.6
Mississippi							
Northern	41	41	100.0	0	0.0	0	0.0
Southern	77	76	98.7	0	0.0	1	1.3
Texas							
Eastern	119	119	100.0	0	0.0	0	0.0
Northern	197	197	100.0	0	0.0	0	0.0
Southern	1,637	1,633	99.8	0	0.0	4	0.2
Western	2,302	1,398	60.7	797	34.6	107	4.6
<b>SIXTH CIRCUIT</b>	<b>1,329</b>	<b>1,284</b>	<b>96.6</b>	<b>37</b>	<b>2.8</b>	<b>8</b>	<b>0.6</b>
Kentucky							
Eastern	101	101	100.0	0	0.0	0	0.0
Western	114	114	100.0	0	0.0	0	0.0
Michigan							
Eastern	204	204	100.0	0	0.0	0	0.0
Western	114	114	100.0	0	0.0	0	0.0
Ohio							
Northern	222	221	99.5	0	0.0	1	0.5
Southern	157	143	91.1	13	8.3	1	0.6
Tennessee							
Eastern	212	211	99.5	0	0.0	1	0.5
Middle	68	46	67.6	17	25.0	5	7.4
Western	137	130	94.9	7	5.1	0	0.0
<b>SEVENTH CIRCUIT</b>	<b>749</b>	<b>725</b>	<b>96.8</b>	<b>21</b>	<b>2.8</b>	<b>3</b>	<b>0.4</b>
Illinois							
Central	91	91	100.0	0	0.0	0	0.0
Northern	205	205	100.0	0	0.0	0	0.0
Southern	91	91	100.0	0	0.0	0	0.0
Indiana							
Northern	111	107	96.4	1	0.9	3	2.7
Southern	96	96	100.0	0	0.0	0	0.0
Wisconsin							
Eastern	120	100	83.3	20	16.7	0	0.0
Western	35	35	100.0	0	0.0	0	0.0
<b>EIGHTH CIRCUIT</b>	<b>1,144</b>	<b>1,136</b>	<b>99.3</b>	<b>1</b>	<b>0.1</b>	<b>7</b>	<b>0.6</b>
Arkansas							
Eastern	73	73	100.0	0	0.0	0	0.0
Western	93	93	100.0	0	0.0	0	0.0
Iowa							
Northern	110	110	100.0	0	0.0	0	0.0
Southern	100	100	100.0	0	0.0	0	0.0
Minnesota	102	101	99.0	1	1.0	0	0.0
Missouri							
Eastern	183	182	99.5	0	0.0	1	0.5
Western	166	162	97.6	0	0.0	4	2.4
Nebraska	129	129	100.0	0	0.0	0	0.0
North Dakota	73	71	97.3	0	0.0	2	2.7
South Dakota	115	115	100.0	0	0.0	0	0.0

Table 28 (cont.)

CIRCUIT District	Total	Form AO 245B <sup>1</sup>		Other Forms <sup>2</sup>		No Form Received	
		N	%	N	%	N	%
<b>NINTH CIRCUIT</b>	<b>5,306</b>	<b>5,104</b>	<b>96.2</b>	<b>158</b>	<b>3.0</b>	<b>44</b>	<b>0.8</b>
Alaska	55	55	100.0	0	0.0	0	0.0
Arizona	2,284	2,249	98.5	1	0.0	34	1.5
California							
Central	418	416	99.5	0	0.0	2	0.5
Eastern	235	234	99.6	0	0.0	1	0.4
Northern	155	155	100.0	0	0.0	0	0.0
Southern	1,391	1,388	99.8	0	0.0	3	0.2
Guam	14	14	100.0	0	0.0	0	0.0
Hawaii	49	49	100.0	0	0.0	0	0.0
Idaho	56	55	98.2	0	0.0	1	1.8
Montana	99	99	100.0	0	0.0	0	0.0
Nevada	154	153	99.4	0	0.0	1	0.6
Northern Mariana Islands	7	7	100.0	0	0.0	0	0.0
Oregon	162	3	1.9	157	96.9	2	1.2
Washington							
Eastern	88	88	100.0	0	0.0	0	0.0
Western	139	139	100.0	0	0.0	0	0.0
<b>TENTH CIRCUIT</b>	<b>1,332</b>	<b>1,317</b>	<b>98.9</b>	<b>13</b>	<b>1.0</b>	<b>2</b>	<b>0.2</b>
Colorado	125	124	99.2	0	0.0	1	0.8
Kansas	140	139	99.3	0	0.0	1	0.7
New Mexico	628	628	100.0	0	0.0	0	0.0
Oklahoma							
Eastern	15	15	100.0	0	0.0	0	0.0
Northern	59	59	100.0	0	0.0	0	0.0
Western	132	132	100.0	0	0.0	0	0.0
Utah	176	163	92.6	13	7.4	0	0.0
Wyoming	57	57	100.0	0	0.0	0	0.0
<b>ELEVENTH CIRCUIT</b>	<b>1,541</b>	<b>1,509</b>	<b>97.9</b>	<b>12</b>	<b>0.8</b>	<b>20</b>	<b>1.3</b>
Alabama							
Middle	39	39	100.0	0	0.0	0	0.0
Northern	115	115	100.0	0	0.0	0	0.0
Southern	97	95	97.9	2	2.1	0	0.0
Florida							
Middle	375	375	100.0	0	0.0	0	0.0
Northern	58	58	100.0	0	0.0	0	0.0
Southern	424	420	99.1	0	0.0	4	0.9
Georgia							
Middle	108	108	100.0	0	0.0	0	0.0
Northern	174	148	85.1	10	5.7	16	9.2
Southern	151	151	100.0	0	0.0	0	0.0

<sup>1</sup> Cases included in this category are those in which the court submitted Form AO 245B (Revision 06/05 or Revision 09/08) to the Commission. Only cases in which all required pages of this form were submitted with no deletions or substantive changes are included in this category. Form AO 245B was approved by the Executive Committee of the Judicial Conference of the United States in June 2005.

<sup>2</sup> Cases are included in this category for one or more of the following reasons: one or more of the required pages of Form AO 245B were missing; deletions or substantive changes were made in Form AO 245B that prevented the USSC from collecting the information required to be submitted by 18 U.S.C. §3553(c); the outdated version of Form AO 245B was submitted; or a unique, district created, or modified form was submitted.

SOURCE: U.S. Sentencing Commission, Preliminary 2012 Datafile, USSCFY12 (October 1, 2011, through December 31, 2011).

## **Appendix A**

### **Descriptions of Datafiles and Variables**

#### **Introduction**

Federal courts are required to forward to the Commission sentencing documentation on all offenders sentenced under the Sentencing Reform Act of 1984 (SRA), except in cases that solely involve petty offenses. Standard information on each case is extracted from sentencing documents received and computerized for analysis.

Given the nature of the datafile and reporting requirements, the following are not included: cases initiated but for which no convictions were obtained, offenders convicted for whom no sentences were yet issued, and offenders sentenced but for whom no sentencing documents were submitted to the Commission. Because the Commission collects information only on cases sentenced under the guidelines, information on cases sentenced under prior law (pre-guidelines) during the current fiscal year is not available in this dataset. When cases are sentenced under both prior law and the guidelines, only the guideline relevant information is coded in the dataset. Cases in which a sentence of death was imposed also are not available in this dataset for this same reason.

Note that for all tables, total percentages may not add up to exactly 100 percent due to rounding.

#### **Variables**

The following section describes the variables used in this report.

##### **Above Guideline Range With *Booker*/18 U.S.C. § 3553**

*Above Guideline Range with Booker/18 U.S.C. § 3553* consist of cases sentenced above the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

##### **Age**

The *Age* of the offender on the day of sentencing is calculated using the offender's date of birth as reported in the presentence report and the date of sentencing as reported in the Judgment and Commitment Order.

##### **All Remaining Cases Above Guideline Range**

*All Remaining Cases Above Guideline Range* consist of cases sentenced above the guideline range that could not be classified into any of the other three above the range categories. This category includes cases in which no reason was provided for a sentence above the guideline range.

##### **All Remaining Cases Below Guideline Range**

*All Remaining Cases Below Guideline Range* consist of cases sentenced below the guideline range that could not be classified into any of the other three below the range categories. This category includes cases in which no reason was provided for a sentence below the guideline range.

##### **Sentence Length**

Using sentencing information obtained from the Judgment and Commitment Order, *Sentence Length* is reported as the mean and median terms of imprisonment ordered (including any months of alternative

confinement as defined in USSG §5C1.1). Cases that receive no term of imprisonment (i.e. probation) are also included. Cases for which a term of imprisonment is ordered but the length is indeterminable are excluded. In most cases for which the exact term is unknown, the Judgment and Commitment Order merely specifies a sentence of time served. Prior to fiscal year 1993, the Commission defined life sentences as 360 months. However, to reflect life expectancy of federal criminal offenders more precisely and to provide more accurate length of imprisonment information, life sentences are now defined as 470 months.

### **Below Guideline Range With *Booker*/18 U.S.C. § 3553**

*Below Guideline Range with Booker/18 U.S.C. § 3553* consist of cases sentenced below the guideline range in which no departure was indicated and in which the court cited *United States v. Booker*, 18 U.S.C. § 3553, or related factors as one of the reasons for sentencing of the guideline system.

### **Circuit**

Information on judicial *Circuit* is generated by computer using the location of the judicial district in which the offender was sentenced.

### **Citizenship Status**

Information on the *Citizenship Status* of offenders is obtained from the presentence report. Offenders are categorized as one of the following: “U.S. citizen,” “resident alien,” “illegal alien,” and “non-U.S. citizen, alien status unknown.” The latter three categories are collapsed into the category of “non-U.S. citizen.”

### **Degree of Decrease**

*Degree of Decrease* is calculated based on the difference between the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) and the guideline minimum for the following categories of below range cases: departures below the guideline range, departures below the guideline range with *Booker*/18 U.S.C. § 3553, below the guideline range with *Booker*/18 U.S.C. § 3553, all other below range cases, USSG §5K1.1 substantial assistance cases, USSG §5K3.1 early disposition program cases, and other government sponsored cases. Life sentences, and cases where the guideline minimum is zero months or life are all excluded from all degree of decrease calculations due to the logical difficulty in calculating a decrease from these values.

### **Degree of Increase**

*Degree of Increase* is calculated based on the difference between the guideline maximum and the length of imprisonment (not including any months of alternative confinement as defined in USSG §5C1.1) for the following categories of above range cases: departures above the guideline range, departures above the guideline range with *Booker*/18 U.S.C. § 3553, above the guideline range with *Booker*/18 U.S.C. § 3553, and all other above range cases. Life sentences, sentences of probation, and cases where the guideline minimum is life are all excluded from all degree of increase calculations due to the logical difficulty in calculating an increase from these values.

### **District**

Information on the judicial *District* in which sentencing occurred is obtained from the Judgment and Commitment Order.

### **Document Submission Rates**

Five documents are represented in the document submission rate table: Judgment and Commitment Order (J&C), Presentence Report (PSR), Statement of Reasons (SOR), Indictment/Information (Ind), and Plea

Agreements (Plea). The J&C and PSR generally are submitted in a standardized format. PSRs waived by the court are indicated in a separate column. Standardized forms for the Statement of Reasons are most frequently submitted; however, transcripts or partial transcripts from the sentencing hearing are also included as *Statement of Reasons Received*. Cases in which the Commission was unable to determine definitively whether the offender's guilty plea was entered pursuant to a written agreement are excluded from the Plea Agreement totals.

### **Downward Departure From Guideline Range**

*Downward Departure from Guideline Range* consist of cases with downward departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

### **Downward Departure With *Booker*/18 U.S.C. § 3553**

*Downward Departure with Booker/18 U.S.C. § 3553* consist of cases sentenced below the guideline range in which the court indicated both a departure (see Downward Departure From Guideline Range) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline range.

### **Drug Offense Guideline**

*Drug Offense Guideline* information is obtained from the presentence report and is based on the guidelines in USSG Chapter Two, Part D. The six guidelines featured in the tables (USSG §2D1.1, §2D1.2, §2D1.5, §2D1.6, §2D1.8, and §2D2.1) represent the vast majority of drug cases.

### **Drug Type**

Information on *Drug Type* is obtained from the Judgment and Commitment Order or the presentence report. It is recorded only if at least one of the statutes of conviction recorded by the Commission is a title 21 U.S. Code offense or a non-title 21 offense when the underlying conduct involves a controlled substance. Information about type of drug in the text and tables is derived from the primary drug type (*i.e.*, the type that produces the highest base offense level). The category *Marijuana* includes Hashish and Hashish oil. The category *Methamphetamine* includes pure (actual) methamphetamine, "ICE", methamphetamine mixture, and methamphetamine precursors (specifically including ephedrine and pseudoephedrine). All drug types not listed separately in this report are collapsed into the "other" drug category.

### **Education**

Information on education of the offender is obtained from the presentence report and is collapsed into general categories. Technical, military, and vocational training as well as course work at community colleges are included in the *Some College* category. A general equivalency degree (GED) is included in the *High School Graduate* category.

### **Gender**

*Gender* of the offender is obtained from the presentence report or probation office.

### **Government Sponsored**

Government sponsorship of a below range sentence is determined by a yearly case review by USSC staff of both the reasons for the below range sentence and the coding by USSC staff of any indication of government sponsorship as indicated on the Statement of Reasons. The SOR form AO245B version 12/03, 06/05, and 09/08 have specific check-boxes to indicate the origins of the departure, but cases

which do not use this form may also indicate in writing the origins of the departure. Additionally, all cases with one or more of the following reasons were classified as being sponsored by the government regardless of whether the SOR indicated sponsorship: pursuant to a plea agreement (binding, non-binding, or unknown), fast track, savings to the government, early plea, deportation, waiver of indictment and/or appeal, other government motion, global disposition, due to stipulations, facilitated early release of a material witness, joint recommendation, and large number of immigration cases. Note that since the USSC reviews the reasons on a yearly basis this list might be modified slightly from year to year. Unless otherwise broken out in the table or chart, this category also includes cases with USSG §5K3.1 Early Disposition Program (EDP) departures.

### **Guideline Offenders Sentenced**

Each *Guideline Offender Sentenced* or case, as recorded by the USSC, involves a single sentencing event for a single offender. Multiple counts, and even multiple indictments, are considered a single sentencing event if sentenced at the same time by the same judge. A single offender may appear in more than one case if involved in more than one sentencing event during the fiscal year. Co-offenders in the same sentencing will each appear as separate cases.

### **Guideline Sentencing Range**

The *Guideline Sentencing Range* is taken from the Statement of Reasons provided by the sentencing court. Alternatively, if the Statement of Reasons is missing, then the information is taken from the presentence report.

For tables in this report, unless otherwise indicated, the guideline sentencing range does not take into account applicable statutory restrictions on either the maximum or the minimum of the range; therefore, it may differ from the available range, which does take into account the statutory restrictions.

### **Mode of Conviction**

Information on *Mode of Conviction* is obtained from the Judgment and Commitment Order. Offenders sentenced subsequent to a plea of guilty or *nolo contendere* are included in the *Plea* category. Offenders sentenced subsequent to a trial by judge or jury are included in the *Trial* category. Rare cases involving both a plea and a trial are included in the *Plea* category.

### **Outside of the Range Attribution Categories**

All categories replicate the list of checkboxes available on the SOR Form AO245B (12/03, 06/05, and 09/08 versions). Not all checkbox categories are available in both the departure section and sentences outside the guideline system section on this form and that multiple checkboxes may be indicated in a single case so that totals in a table may exceed the total number of cases. USSC uses these checkboxes in determining government sponsorship: all cases in which one of the pursuant to a plea agreement boxes is indicated are attributed to the government. Additionally cases where a USSG §5K1.1, USSG §5K3.1, or other government motion checkbox was indicated in the pursuant to a motion not in a plea agreement section are also attributed to one of the government sponsored categories. Additionally other types of SOR forms may indicate sponsorship in writing and these attributions are also included in the appropriate category.

### **Position of Sentence**

The *Position of Sentence* describes within-range guideline sentences in terms of their relative positions within their applicable guideline ranges. Only cases with complete information from the Statement of Reasons are used for this table. The *Position of Sentence* is determined by dividing the available range in

half. This allows a sentence to fall into one of five distinct categories: the guideline minimum; the exact midpoint of the range; the guideline maximum; the lower-half of the range (when not at the guideline minimum); and the upper-half of the range (when not at the guideline maximum). The “available range” is the guideline range with applicable statutory restrictions on either the maximum or the minimum of the range taken into account. (For cases in which guideline USSG §5C1.2 was applied, in accordance with the provisions of the guideline, the statutory restrictions on the range are those from 18 U.S.C. § 3553(f).) In cases in which the sentence is located outside the available sentencing range, departure information is provided as reported by the sentencing court. Differences in the number and percentage of cases in each range quarter may differ from other tables presented in this report; this is due to the exclusion of any case missing both complete information from the Statement of Reasons and information on statutory minima and maxima.

### **Primary Offense Category**

Information on *Primary Offense Category* is obtained from the Judgment and Commitment Order. The “primary” offense code for the case is determined to be the offense code applicable for the count of conviction with the highest statutory maximum. If two or more counts are found to have the same statutory maximum, “primary” offense is selected according to which count of conviction has the highest statutory minimum. Finally, in the event of a small number of cases still tied, the offense type that best represented the nature of the criminal behavior is chosen.

For convenience in analysis, a summary variable describing “primary offense category” is derived. This code is generated by grouping similar primary offense codes into a smaller set of categories. Note that the primary offense categories differ between the individual and organizational offender datafiles. Listed below are the offense types that are grouped into each of the primary offense categories used in the individual datafile tables for this report:

*Murder* includes first degree murder, felony with death resulting, second degree murder, and conspiracy to murder (with death resulting).

*Manslaughter* includes both involuntary and voluntary manslaughter.

*Kidnapping/Hostage Taking* includes ransom taking and hostage/kidnapping.

*Sexual Abuse* includes sexual abuse of a minor, sexual abuse of a ward, criminal sexual abuse, and abusive sexual contact.

*Assault* includes attempt to commit murder, assault with intent to murder, threatening communication, aggravated assault, conspiracy with attempt to murder, obstructing or impeding officers, minor assault, and conspiracy that includes assault with attempt to murder.

*Robbery* includes bank robbery, aggravated bank robbery, Hobbs Act robbery, mail robbery, other robbery, and carjacking.

*Arson* also includes damage by explosives.

*Drugs - Trafficking* includes drug distribution/manufacture, drug distribution/manufacture – conspiracy, continuing criminal enterprise, drug distribution –



employee under 21, drug distribution near school, drug import/export, drug distribution to person under 21, and establish/rent drug operation.

*Drugs - Communication Facility* includes use of a communication facility in a drug trafficking offense.

*Drugs - Simple Possession* includes distribution of a small amount of marijuana and simple possession.

*Firearms* includes unlawful possession/transportation of firearms or ammunition; possession of guns/explosives on aircraft; unlawful trafficking, etc. in explosives; possession of guns/explosives in federal facility/schools; use of fire or explosives to commit felony; and use of firearms or ammunition during crime.

*Burglary/Breaking & Entering* includes post office burglary, burglary of DEA premises (pharmacy), burglary of other structure, bank burglary, and burglary of a residence.

*Auto Theft* includes auto theft (including parts), receipt/possession of stolen auto or parts, and altered identification numbers/trafficking in altered (auto).

*Larceny* includes bank larceny, theft from benefit plans, other theft – mail/post office, receipt/possession of stolen property (not auto), other theft – property, larceny/theft-mail/post office, larceny/theft – property (not auto), and theft from labor union.

*Fraud* includes odometer laws and regulations, insider trading, and fraud and deceit.

*Embezzlement* includes embezzlement – property, embezzlement from labor unions, embezzlement – mail/post office, embezzlement from benefit plans, and bank embezzlement.

*Forgery/Counterfeiting* includes counterfeit bearer obligations and forgery/counterfeit (non-bearer obligations).

*Bribery* includes payment to obtain office, bribe involving officials, bribery – bank loan/commercial, loan or gratuity to bank examiner, etc., gratuity involving officials, and bribe or gratuity affecting employee plan.

*Tax* include receipt/trafficking in smuggled property, aid, etc., in tax fraud; fraud – tax returns, statements, etc.; fraud, false statement – perjury; failure to file or pay; tax evasion; evading import duties (smuggle); failure to collect or account for taxes; regulatory offenses – taxes; failure to deposit taxes in trust account; non-payment of taxes; conspiracy to avoid taxes; and offenses relating to withholding statements.

*Money Laundering* includes laundering of monetary instruments, monetary transaction from unlawful activity, failure to file currency report, and failure to report monetary transactions.

*Racketeering/Extortion* includes extortionate extension of credit, blackmail, extortion by force or treat, Hobbs Act extortion, travel in aid of racketeering, crime relating to

rackeering, and violent crimes in aid of racketeering.

*Gambling/Lottery* includes engaging in a gambling business, transmission of wagering information, obstruction to facilitate gambling, and interstate transportation of wagering paraphernalia.

*Civil Rights* includes interference with rights under color of law; force or threats to deny benefits or rights; obstructing an election or registration; manufacture, etc. – eavesdropping device; other deprivations/discrimination; obstructing correspondence; peonage, servitude, and slave trade; intercept communication or eavesdropping; and conspiracy to deprive individual of civil rights.

*Immigration* includes trafficking in U.S. passports; trafficking in entry documents; failure to surrender naturalization certificate; fraudulently acquiring U.S. passports; smuggling, etc.; unlawful alien; fraudulently acquiring entry documents; and unlawfully entering U.S.

*Pornography/Prostitution* includes dealing in obscene matter, transportation of minor for prostitution, transportation for prostitution/sex (adult), sexual exploitation of minors, materials involving sexual exploitation of minors, obscene telephone or broadcasting, and selling or buying children for pornography. This primary offense category was discontinued in fiscal year 2010. Some of the offenses that were grouped into this primary offense category in prior fiscal years are grouped into the *Child Pornography* primary offense type. All other offenses that were grouped into this primary offense category in prior fiscal years are included in the *Other Miscellaneous Offenses* primary offense category.

*Child Pornography* includes the sale, distribution, transportation, shipment, receipt, or possession of materials involving the sexual exploitation of minors. This primary offense category was created in fiscal year 2010.

*Prisons Offenses* includes contraband in prisons, riots in federal facilities, and escape.

*Administration of Justice Offenses* includes commission of offense while on release, bribery of a witness, failure to appear by offender, contempt, failure to appear by material witness, obstruction of justice, payment of witness, perjury or subornation of perjury, misprision of a felony, and accessory after the fact.

*Environmental/Wildlife* includes waste discharge, specially protected fish, wildlife, and plants.

*National Defense* includes evasion of export controls and exportation of arms, etc., without license.

*Antitrust* includes bid-rigging, price-fixing, and market allocation agreement.

*Food & Drug* includes false information or tampering with products, tampering to injure business, tampering with risk of death or injury, and violation of regulations involving food, drugs, etc.

*Other Miscellaneous Offenses* includes illegal use of regulatory number – drugs; illegal transfer of drugs; illegal regulatory number to get drugs; drug paraphernalia; forgery/fraud for drugs; dangerous devices to protect drugs; manufacture drugs against quota; endangering life while manufacturing drugs; operate carrier under drugs; endangerment from hazardous/toxic substances; mishandling substances, records, etc.; threat of tampering with public water system; hazardous devices of federal lands; mishandling other pollutants, records, etc.; improper storage of explosives; record keeping violation – explosives; possession of other weapon – on aircraft, in federal facility; failure to report theft of explosives; feloniously mailing injurious articles; transport of hazardous material in commerce; interference with flight crew, other offense – aboard aircraft; criminal infringement of copyright/trademark; conflict of interest; unauthorized payment; non-drug forfeiture; impersonation; false statement to Employee Act; reporting offenses – labor related; criminal infringement of trademark; unlawful conduct relating to control/cigarettes; trespass; destruction of property; destruction of mail; aircraft piracy; conspiracy to murder (no death, assault, or attempt); conspiracy to commit murder; and all other miscellaneous offenses not previously listed in any of the other categories.

### **Race**

Information on *Race* of the offender is obtained from the presentence report in separate categories of race and ethnicity (*White, Black, Native American or Alaskan Native, and Asian or Pacific Islander*).

Ethnicity data indicate whether an offender is of Hispanic origin. (For purposes of this report, offenders whose ethnic background is designated as Hispanic are represented as Hispanic in all tables regardless of racial background.) The *Other* category includes offenders of Native American, Alaskan Native, and Asian or Pacific Islander origin.

### **Type of Guideline Sentence Imposed**

Using sentencing information obtained from the Judgment and Commitment Order, the *Total Receiving Prison* column includes the number of offenders sentenced (and percent of *Total Cases*) who received a commitment to the Bureau of Prisons. This column is the sum of cases in *Prison* and the *Prison/Community Split Sentence* categories.

The *Prison* category includes offenders sentenced to a term of imprisonment only, with no additional conditions of community confinement, home detention or intermittent confinement.

The *Prison/Community Split Sentence* category includes all cases in which offenders received prison and conditions of alternative confinement as defined in USSG §5C1.1. This category includes, but is not limited to, Zone A, Zone B, or Zone C cases receiving prison with additional conditions of a term of community confinement, home detention, or intermittent confinement.

The *Total Receiving Probation* column includes the number of offenders sentenced (and the percent of *Total Cases*) who received a term of probation with or without a condition of community confinement, intermittent confinement, or home detention. This column also represents the total of the *Probation Only* and *Probation and Confinement* categories.

The *Probation Only* column includes the number of offenders who received a term of probation without a condition of community confinement, intermittent confinement, or home detention.

*Probation and Confinement* includes the number of offenders who received a term of probation with a condition of community confinement, intermittent confinement, or home detention.

### **Upward Departure From Guideline Range**

*Upward Departure from Guideline Range* consist of cases with upward departures in which the court did not indicate as a reason either *United States v. Booker*, 18 U.S.C. § 3553, or a factor or reason specifically prohibited in the provisions, policy statements, or commentary of the *Guidelines Manual*.

### **Upward Departure With *Booker*/18 U.S.C. § 3553**

*Upward Departure with Booker/18 U.S.C. § 3553* consist of cases sentenced above the guideline range in which the court indicated both a departure (see Upward Departure From Guideline Range) and a reference to either *United States v. Booker*, 18 U.S.C. § 3553, or related factors as a reason for sentencing outside of the guideline system.

### **Year**

Information on *Year* is obtained from the Judgment and Commitment Order. Unless otherwise indicated, the sentencing year is defined as the fiscal year in which the offender was sentenced.

### **Zone**

The *Sentencing Table* is categorized into sentencing *Zones*. Courts may impose various types of punishment as alternatives to imprisonment. Alternative types of punishment include: probation, home detention, community confinement, and intermittent confinement. Imposition of alternative types of punishment is restricted to offenders within specific sentencing zones.

*Zone A*: a guideline range is in Zone A when the minimum term of imprisonment specified is zero months;

*Zone B*: a guideline range is in Zone B when the minimum term of imprisonment specified is at least one but not more than six months;

*Zone C*: a guideline range is in Zone C when the minimum term of imprisonment specified is eight months when criminal history category is four or less, and nine months if the criminal history category is greater than four;

*Zone D*: a guideline range is in Zone D when the minimum term of imprisonment specified is twelve months or more.

See Chapter 5 of the *Guidelines Manual* for a description of alternatives to imprisonment and the conditions under which they are applicable.

**Appendix B:**  
**List of Quarterly Report Tables and Figures**  
**and Comparable FY11 *Sourcebook* Number/Letter**

<b><u>Quarterly Report Tables/Figures</u></b>	<b><u>Comparable <i>Sourcebook</i> Tables/Figures</u></b>
Table 1 .....	Table N
Table 2 .....	Table 26
Table 3 .....	Table 27
Figure A .....	N/A
Figure B .....	N/A
Table 4 .....	N/A
Table 5 .....	Table 28
Table 6 .....	Table 28A
Table 7 .....	Table 30
Table 8 .....	Table 30A
Table 9 .....	Table 31
Table 10 .....	Table 31A
Table 11 .....	Table 31B
Table 12 .....	Table 31C
Table 13 .....	Table 31D
Table 14 .....	Table 32
Table 15 .....	Table 32A
Table 16 .....	Table 32B
Table 17 .....	Table 32C
Table 18 .....	Table 12
Table 19 .....	Table 13
Figure C .....	N/A
Figure D .....	N/A
Figure E .....	N/A
Figure F .....	N/A
Figure G .....	N/A
Figure H .....	N/A
Figure I .....	N/A
Table 20 .....	Table 29
Figure J .....	Figure A
Table 21 .....	Table 3
Table 22 .....	Table 11
Figure K .....	N/A
Table 23 .....	Table 4

Table 24 .....	Table 5
Table 25 .....	Table 7
Table 26 .....	Table 9
Table 27 .....	Table 1
Table 28 .....	N/A